

PEOPLE IN ALASKA'S SEX TRADE: THEIR LIVED EXPERIENCES AND  
POLICY RECOMMENDATIONS

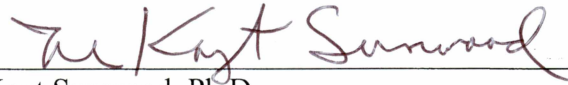
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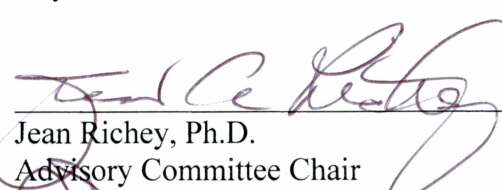
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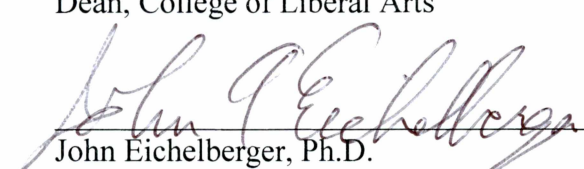


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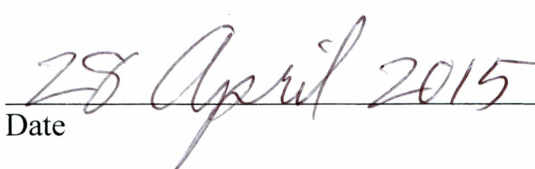
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PEOPLE IN ALASKA'S SEX TRADE: THEIR LIVED EXPERIENCES AND  
POLICY RECOMMENDATIONS

A  
THESIS

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By  
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## **Abstract**

Much policy has been discussed and created in the last several years regarding people in Alaska's sex trade. Although researchers and government agencies have called attention to the need for evidence based policy about prostitution and sex trafficking, there has been no research about the characteristics of people in Alaska's sex trade or the effects of policy on those people. This research fills that gap in the current literature.

As action research, this study provided a means for the voices of a hidden, criminalized population to reach policy-makers. This research was grounded in a participatory worldview and triangulated data from surveys, interviews, and public records. Emergent themes and participant recommendations were organized to inform public policy.



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Forty eight people with recent experience in Alaska's sex trade put aside whatever fears they may have had of being identified or arrested to share their experiences and recommendations with me. Sometimes they shared difficult memories. Their bravery to share their valuable insights to try to make things better is so inspiring. I promised them I would do my best to use their words to improve conditions for those who will follow them, and I plan to do my best.

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## **Chapter 1**

### **Introduction**

Research is needed to understand how current policy affects the human rights of Alaskans in the sex trade. Current reports within Alaska have focused entirely on the projections of law enforcement and nonprofits in order to gain funding and pass legislation while neglecting the experience and human rights of people in the sex trade. In this study, I worked with Alaskan sex workers and sex trafficking victims to identify effects of current policy and recommendations.

New Alaskan sex trafficking legislation in 2012 was designed to protect victims by expanding the legal definition of trafficking and increasing penalties. In some cases, trafficking victims and sex workers report that the laws intended to protect them are being used against them and that they are unable to access protection by law enforcement or victim services. A public records request in 2013 showed that only alleged prostitutes had been charged with sex trafficking, and all had been charged with prostitution of themselves in the same cases that they had been charged with sex trafficking.

In August of 2013 a woman in Fairbanks posted an ad on craigslist advertising her time for \$180 per half hour. When an undercover officer came to her room she told him that she was not a prostitute and that he needed to leave if he was trying to buy sex (Fairbanks Daily News-Miner, 2013). He arrested her and she was charged with sex trafficking in the fourth degree, a new Alaska statute that defines anything that “aids or facilitates prostitution” as sex trafficking. Although a misdemeanor, sex trafficking in the fourth degree is a barrier crime, meaning that it excludes the person from holding many jobs in the state of Alaska, and carries a penalty of property forfeiture.

In 2010 a twenty-year-old victim who had been trafficked from the age of fifteen was indicted on dozens of counts of federal conspiracy to commit sex trafficking when the man who had tortured her, pimped her, and held her prisoner for three years was caught (Federal Bureau Investigations (FBI), 2009; Youtube, 2013). She spent thirty months in the same federal prison as her perpetrator, where he was allowed to stalk and harass her (YouTube, 2013).

These are not isolated or uncommon instances in Alaska. Because of stigma and criminalization, they are invisible. As Alaska moves toward creating improved sex trafficking policy and prevention, it is important that Alaskan voters and legislators have a more complete understanding of the effects of these laws.

The purpose of this research is to bring the wealth of knowledge and experience of those in Alaska's sex trades into the light where it can be shared with Alaskan voters and legislators. Initial research questions include: What are people in the sex trade's experiences with law enforcement? What are their experiences with reporting crimes or accessing protection from law enforcement? How often are the laws used against sex trade workers? How often are the laws used to protect them? Are the answers to those questions related to race, sex, gender presentation, or class? What laws do they think would help them? What are barriers to accessing services such as health care or emergency shelter? What services would be helpful? What are common themes of induction for adults who entered the sex trade in Alaska as minors? What do they think could have prevented negative experiences?

## Chapter 2

### Review of Related Literature

*“When the sex war is won prostitutes should be shot as collaborators for their terrible betrayal of all women.” (Burchill, 1986 p.6)*

A literature review explains “what others have done in the area being studied” as a way of “putting a study into its context” (Wilson, 2008, p. 44). It can also lay the groundwork of a “context for relational accountability” (p. 44) of the research. Much research and theorizing has been conducted about sex workers and their roles within patriarchy, with labels ranging from “betray[ers] of all women” (Burchill, 1986) to “the only street fighters we’ve got” in the “war between the sexes” (Atkinson, 1974, p. 6). Until recently, very little academic attention has been paid to the human rights of sex workers.

Research on the human rights of sex workers tends to fall into two broad categories, according to Weitzer (2012). What he calls the oppression paradigm “does not present domination and exploitation as variables but instead considers the core ontological features of sexual commerce” (p. 1338). Research that arises from this ontology tends to cast all sex workers as “pathetic victims” (Agustin, 2005a, p. 1) who are “ignorant,” “powerless,” “ruined,” and “passive object[s] of others actions” (Agustin 2005b, p. 107). Weitzer (2012) calls the other viewpoint a “polymorphous paradigm,” which he explains “holds that there is a broad constellation of work arrangements, power relations, and personal experiences among participants in sexual commerce” (p. 1338).

Agustin suggests that good research with women who sell sex does not deny their agency and foregrounds their lived experiences (2005b). Žižek (2008), writing about symbolic and institutional violence, warns that nonfactual SOS calls full of fake urgency issued by non-

governmental organizations obliterate the complex realities of humanitarian crisis. Systemic, or social-symbolic violence “appears as its opposite” (Žižek, 2008, Chapter 1, Section 4, para. 11) and those who do the greatest violence appear as the greatest victims, which is certainly reflected in Agustin’s critiques of the rescue industry (2005a).

Much of the research into the human rights of sex workers has occurred in South East Asia, where the United Nations has conducted extensive research into the human rights of sex workers with regards to health care, police violence and coercion, and ability to access police protection (Shannon et al., 2014) (World Health Organization, 2014) (United Nations, 2012) (Amnesty International, 2014).

### **2.1 Human Rights of People in the United States’ Sex Trade**

Research in the United States has been more limited. In an extensive 2003 study of the experience of street-based prostitutes in New York City, 30 percent reported threats of violence from the police, 17 percent reported sexual harassment from the police, one research participant reported being raped by a police officer, and 60 percent of respondents reported experiencing violence from customers (Ditmore & Thukral, 2003, p. 7). However, Ditmore and Thukral described respondents’ experiences in attempting to report violence against them by saying that they:

described enormous difficulty in their attempts to report prostitution-related violence to the police often being told by police that their complaints would not be accepted, that this is what they should expect, and that they deserve what they get. When these women experienced further violence, they did not go to the police. (Ditmore & Thukral, 2003, p. 7)

The researchers also noticed that experiences of police harassment varied by jurisdiction (p. 6). This research only included street workers, so it is important not to generalize the findings to those working in different ways and locations. A parallel survey also conducted by the Sex Workers Project found that 14 percent of indoor workers reported police violence and 16 percent reported that police officers had initiated a sexual interaction (Grant, 2014, Chapter 1, para. 18).

In 2009 and 2012 the Young Women's Empowerment Project, a group of young women involved in the sex trade and street economies, released two pieces of community-based participant-directed research, which have been called the gold standard in US sex worker human rights research. They found that although there were "threads of violence and trauma throughout," girls "didn't see themselves or want to be seen as victims" (Iman, Fullwood, Paz, & Hassan, 2009, p. 29), and that "when girls experienced things like rape or assault and then tried to get help, systems often did more harm to us" (Torres & Paz, 2012, p. 11). Again, it would be a mistake to generalize the experiences of these predominantly underage street-based girls in the sex trade to the sex industry as a whole.

Diversion programs and nonprofit agencies have been criticized in the United States for using the threat or reality of imprisonment to force people into receiving services that are often unwanted or do not provide needed help (Agustin, 2007; Ray & Caterine, 2014; Wahab & Panichelli, 2013). Diversion programs often make conditions worse for those in the sex trade by burdening them with financial hardships just as they are being told they must leave the industry (Ray & Caterine, 2014; Wahab & Panichelli, 2013).

Ditmore and Thukral (2003) found in their research with sex trafficking victims that "raids led to violations of their human rights, and local police raids did not lead to assistance for people who had been victimized" (p. 16).

## **2.2 Human Rights of International Sex Workers**

Internationally more research has been conducted on the human rights of sex workers, particularly focusing on HIV prevention and police actions. Recent research suggests that decriminalizing sex work would have the greatest effect on stemming the HIV epidemic, “averting 33–46% of HIV infections in the next decade” (Shannon et al., 2014, p. 1). The United Nations, the World Health Organization, and Amnesty International have come to the same conclusions based on effects of the criminalization of condoms and sex workers’ increased vulnerability to violence under systems of criminalization (World Health Organization, 2014; Amnesty International, 2014; United Nations, 2012).

## **2.3 Theories Relating to the Human Rights of Sex Workers**

*"Prostitution is the most exploitative, degrading work on Earth. Despite those stories about high-class call girls, its practitioners are overwhelmingly the most wretched girls and women in society. Prostitution turns women into lumps of meat that are bought and sold for the sexual gratification of men." (Wente, 2013)*

**2.3.1 Whorephobia.** A stigma is something that “spoils” a person’s identity and makes them discreditable or disqualified (Goffman, 1963). McClintock (1992) theorizes that the law is a mechanism for “disqualifying alternative discourses: the disenfranchised, feminists, and prostitutes who might spill the beans” (p. 75). For sex workers, being stigmatized and criminalized means that if they speak about their lived experiences they are not only discredited, but often also arrested. Whore stigma is used not just to punish sex workers, but to influence the sexual choices of other women by showing them what happens to whores (McClintock, 1992). The whore stigma does not just affect the personal identities of those profiled as whores; it also affects their ability to participate in civil society by renting homes, accessing medical care,

obtaining jobs, accessing financial instruments, and parenting (Agustin, 2013; Dewey & Zheng, 2013; Ditmore & Thukral, 2003; Grant, 2014) .

Many people have wondered what the difference is between a woman and a whore (although men do sex work too, it is women and transgender women who bear the brunt of whore stigma). In one well-known case, an attorney challenged the prosecutor to distinguish between a naked whore and any other woman (Grant, 2014, Chapter 2 para. 1). Grant proposes that the purpose of prostitution policy is “to produce a prostitute where before there had only been a woman . . . It is a socially acceptable way to discipline women” (Chapter 1, para 15). Bourdieu also spoke of the law as “the symbolic power of naming that creates the things named, and creates social groups in particular” (Bourdieu, 1986, p. 838).

**2.3.2 The prostitute imaginary.** As a muted group (Kramerae, 1980) sex workers are rarely able to speak for themselves. They are most often represented to the public in movies or described by law enforcement officials and nonprofits. These depictions rolled together in the public imagination become what Grant (2013) calls the prostitute imaginary: she is leaning into a car, she is being put in handcuffs, she is hypersexual, she is a victim. Because she exists only in the imaginary sphere, you can rescue her, you can arrest her, you can fuck her: her body is “rarely presented or understood as much more than interchangeable symbols — for urban decay, for misogyny, for exploitation” (Chapter 5, para. 13).

As a muted, imaginary group, people in the sex trade “must adopt certain communication orientations” and strategies (Orbe, 1998, p. 7) to reach the dominant culture. Those strategies have included artistic performances and memoir, political activism, and research. As action research whose standpoint is within the sex work co-culture, this research is a form of co-cultural communication (Orbe, 1998).



**2.3.3 The prostitute and the force of law.** Carceral feminism positions the criminal justice system as the solution to violence against women. Those who oppose carceral feminism say that it is mostly promoted by privileged, white feminists and ignores how “race, class, gender identity, and immigration status leave certain women more vulnerable to violence and that greater criminalization often places these same women at risk of state violence.” (Agustin, 2013, p. 1) Carceral feminists tend to believe that victimization is a core ontological feature of prostitution, and criminalizing prostitutes is the way to rescue them from prostitution. About this, Grant (2013) says, “when we construct help in this way we use the same eye with which we build and fill prisons. This isn’t compassion. This isn’t charity. This is control” (Chapter 1, Section 3, para. 8).

Bourdieu (1986) called the law “an instrument of domination” (p. 814) and spoke of it as a direct reflection of existing social hierarchies. McClintock (1992) agreed, saying that in prostitution trials “contradictions in the distribution of money, pleasure, and power are isolated as crimes” (p. 74).

The naming of the prostitute and the casting and production of the prostitute imaginary are essential features of the criminalization of prostitution. Grant (2013), however, wonders where the demand for this story, this version of prostitute, comes from. The answer, she posits, is that it is “driven by men’s insatiable desire” rather than “by sex workers’ own demands for housing, health care, education, a better life, a richer life, if we dare” (Chapter 4, Section 2, para. 3). McClintock (1992) notes something similar in her observation of prostitution trials: “the prostitution trial reveals itself as structured around the very fetishism it sets itself to isolate and punish. Under his scarlet robe, the judge has an erection” (p. 75).

Prostitution has historically been a way that money leaves privileged communities and enters impoverished communities (Agustin, 2007; McClintock, 1992; Venkatesh, 2008). This sentiment is expressed in the everyday conversations of some sex workers, as reflected in this blog:

there is a clear deficit that many of us are making up for by doing sexual exchanges or entering the sex industry, so in that way i [sic] see whoring; prostitution, sex work as an act of subjugating the role that was prescribed for women and women of color globally. flipping [sic] the prescribed role that our bodies were fated by patriarchy, spitting back at any of those who try to put us in our places. (Passion, 2007)

The prostitution trial reverses that exchange, using fines, jail time, and other punishment to “redistribute illicit female money back into licit male circulation” (McClintock, 1992, p. 76).

**2.3.4 Rape is not illegal, it is just regulated.** Researchers and theorists have pointed out the alarming parallel between the rhetoric of those who kill whores and the public officials who are tasked with arresting and protecting whores (Agustin, 2013; Grant, 2014; McClintock, 1992). When Peter Sutcliffe (the Yorkshire Ripper) was tried for murdering thirteen women, he explained that he had a “divine mission” to kill prostitutes, who were “scum who can’t justify their existence” (McClintock, 1992, p. 73). The prosecutor said, of the murdered women, “some were prostitutes, but perhaps the saddest part of this case is that some were not” (Agustin, 2013, p. 1).

McClintock (1992) points out that until very recently there have been two categories of unrapeable women: wives and whores (p. 77). Engels and Leacock (1972) pointed out that marriage and prostitution were both based on patriarchal conceptions of property rights to women’s bodies, separated only by religious morality and capitalist laws (Engels & Leacock,

1972). McClintock (1992) theorizes that because rape is a crime against another man's property and a prostitute is perceived as "common" or having ruined her private property value to individual men, she becomes unrapeable. (p. 78) When and how will this change? Grant (2013) says it will only change through sex workers' demands and imagination.

**2.3.5 Prostitution disrupts patriarchy.** Bourdieu (1984) theorized that human capital—or status and value—came in several forms: cultural, social, and economic, and that within social fields it can be calculated differently than it is within the dominant culture. Hakim (2011) proposed that male theorists overlooked erotic capital. The author went on to explain that whore stigma as a mechanism where "morality is deployed by men to restrict women's ability to exploit their one major advantage over men" (Chapter 3, Section 4, para. 13).

Others also believe that prostitution disrupts patriarchy. Atkinson (1974) called prostitutes "the only street fighters we have" in the "war between the sexes" (p. 6). McClintock (1992) called prostitution the "flagrant female interference in male contests over property and power" (p. 78). As a social field (Bourdieu, 1984) sex work reverses the value of women's secondary characteristics: youth, innocence, foreign status, and femininity, all characteristics with low value in the normal job market, become highly valued.

## Chapter 3

### Methodology

*“So often in telling sex work stories, the storytelling process is a form of striptease indistinguishable from sex work itself a demand to create a satisfyingly revealing story, for audiences whose interest is disguised as compassion or curiosity. In the conventional striptease routine, the sex worker dances suggestively for a first song, removes her top by the end of her second song and her bottom during the third. Off that stage, she knows there is also a script for how her story will be received. She’s often accused of not being capable of sharing the truth of her own life, of needing translators, interpreters. But part of telling the truth here is refusing to conform the story to narrow roles—virgin, victim, wretch, or whore—that she did not herself originate.” —Grant, 2014, p. 33*

#### 3.1 Participatory Worldview

This research has a participatory worldview which is political, empowerment and issue oriented, collaborative, and works toward social change. A participatory worldview as a research approach deals with power and injustice in society by collaborating with participants to understand their experience and advocate for change. A foundational premise of participatory research is “that research should contain an action agenda for reform that may change the lives of its participants, the institutions in which they live and work, or even the researcher’s life” (Creswell, 2007, p. 21). The goal of the research is to provide a platform for the voices of people who now have no voice in the process of creating policies that directly affect them (Creswell & Plano Clark, 2011, p. 40).

## **3.2 Methods**

**3.2.1 Mixed methods: Triangulating the data.** One way to increase validity of research data is to triangulate between multiple types of data: if three types of data point to the same conclusions, they are more likely to be accurate (Creswell & Plano Clark, 2011). This research utilizes interviews, surveys, and public records. Conversational interviews investigated the lived experiences of eight people with experience in Alaska's sex trade, including one elder. Surveys collected qualitative and quantitative data about the experiences of 40 people with experience in Alaska's sex trade. Public records corroborated their experiences and demonstrated how the laws are used and the discourse or "formula stories" (Holstein & Gubrium, 2012, p. 253) about prostitutes engaged by actors in the legal sphere.

**3.2.2 Research surveys.** The surveys (Appendix A) were administered anonymously through SurveyMonkey, an online facilitator of anonymous surveys. A waiver of signed informed consent was obtained in order to protect the privacy of participants. To accomplish informed consent, participants clicked at the beginning of the online survey to affirm their informed consent and to maintain their anonymity. The survey collected quantitative and qualitative data in several categories: (a) basic demographic information (b) experiences of agency, coercion, force, and cooperation throughout time in the industry (c) participants' experiences obtaining shelter, counseling, and medical services and their related recommendations (d) their experiences with police and related recommendations (e) their understanding of state and federal trafficking laws as related to their experiential realities of sex work and sex trafficking and (f) their recommendations for policy that would protect and serve them and people who are exploited in the sex industry.

Forty-one people who self-identified as having worked in Alaska’s sex trade or having been profiled as a sex worker took the survey online through Survey Monkey. Participants were recruited through online postings, word of mouth, and distribution of fliers by several Alaskan nonprofits. Signed consent was waived by the IRB and the survey collected no IP addresses or identifying information. One respondent answered “erroneous data—disregard” for all questions, and their responses were deleted, leaving 40 participants. The survey participants had one year to more than 31 years of experience in the sex trade, with the most common responses being ten to 20 years. There was one male survey participant and the rest were female. Participants were white, Alaska Native, Native American, Black, Latino, and Creole. There were no Asian participants.

**3.2.3 Interviews.** Participants were aware, sometimes acutely, that they were being interviewed because of their positions as potentially criminalized people. They were aware that the transcripts could be subpoena’d and, if they were identified, potentially used against them. Signature of informed consent was waived for anonymity (Appendix B). This awareness shaped not just the structure of the interviews for confidentiality, but also the content. We did not discuss identifying information or the richness of participants’ lived experiences in Alaska’s sex trade. Instead we focused on the system and how it could be improved.

Interviews explored people’s experiences with current policy, as well as their understanding of the risks to people in Alaska’s sex trade and their recommendations for policy that would address those risks. No identifying data was collected (Appendix B) and recordings were deleted after being transcribed to protect participants’ identities. Participants verbally demonstrated understanding of the informed consent, risks of participation, and ways to reduce risks (such as not sharing stories that would make them identifiable, or replacing “I” with

“someone I know”) before the recording was started. After the interview they had the opportunity to stay for the transcription, read the transcript, delete or change anything they wanted, and add comments. Unfortunately, the transcription process takes so long that most participants chose not to do this.

Seven people who had recently retired from Alaska’s sex trade and one elder were interviewed. Interview participants were white, Alaska Native, Black, and Mexican. They included a transgender person, an undocumented immigrant, adults who had formerly been homeless youth, and people with graduate degrees. They had from two to 44 years in the sex trade and had worked as independent escorts, street-based workers, exotic dancers, in massage parlors, an Asian massage parlor, brothels, on a circuit, for pimps, made pornography, and had survival sex as street-involved youth and been pimped as a minor by a guardian. Four of them had significant experience and/or education in a helping profession. None of them thought of themselves as sex trafficking victims. According to an attorney I consulted with, three met the federal definition of a sex trafficking victim and one probably did but more information was needed.

The interviews were unstructured and conversational (Brinkmann & Kvale, 2015). They were preceded by an explanation of the informed consent notice (signature was waived for confidentiality) and a discussion about the possibilities of the research data being subpoena’d by law enforcement. Participants demonstrated an understanding of the risks and strategies to minimize their risks, such as talking about things they had heard or that had happened to someone else rather than themselves. Agustin (2005c) warned that direct questions are a questionable method “when subjects are marginalized, stigmatized, and criminalized” (p. 627)

precisely because of the rudeness of asking and risk navigation involved in answering such questions. Therefore, conversational interview method was a logical, ethical choice.

**3.2.4 Public records.** Public records offered quantifiable insight into the interactions of people in Alaska's sex trade with the justice system. Public records have included charging documents (Appendix L), police reports (Appendices H-I), court records (Appendix J), records requests under the Alaska Open Records Act, and records requests under the federal Freedom of Information Act. The public records part of this research started with one question in November of 2013: How was Alaska's new sex trafficking law being used? The answer (at that time) was that in its first two years everyone charged with sex trafficking under the new laws was also charged with prostitution of themselves in the same case, and every alleged victim of sex trafficking was arrested and convicted of prostitution. The use of public records in this research has centered around the uses and effects of prostitution and sex trafficking laws, examples of the ways that different prostitution policy through time has affected people in Alaska's sex trade, and corroborating participant stories.

### **3.3 Are These Participants Representative?**

There are two groups who may not have been adequately represented: Asian massage parlor workers and minor victims of trafficking within their homes. Although one of the interview participants had worked in an Asian massage parlor for a short time, none of the participants were Asian. There is anecdotal evidence that in Alaska and in Indian Country there is a higher incidence of youth being trafficked by a parent or guardian within their homes. One of the interview participants was trafficked into street-based work by her guardian as a young teen but none described to me the sort of in-home trafficking that happens outside of the sex industry and has been documented in Indian Country elsewhere. I did not question participants about



trafficking or violence that they experienced within the industry, so it is very possible that this group was represented without my being aware.

Participants did make comments indicating that they had done street-based work, massage parlor work, and internet-based work. Still, it is impossible to know to what extent street-based, internet-based, or other workers were represented in the survey. Not collecting or quantifying this information helped the participants remain anonymous.

### **3.4 Action Research**

Research that *others*, or disqualifies, those studied from humanity (Goffman, 1963) has a long history of promoting violence against those disqualified, from indigenous people (Smith, 1999) to sex workers (Agustin, 2007; Dewey & Zheng, 2013; Grant, 2014). Even qualitative research that purports to consult those being studied has often talked more about those in the sex trade than with them. In a statement about research ethics, a group of youth involved in the street economy said, “We would share the same stories over and over and we would still be shocked when we read their reports. No matter what we said to the researchers, their reports always said the same thing: we were victims who needed police and social workers to save us” (Iman et al., 2009, p. 20). Some sex workers encourage each other not to participate in research at all, saying things like this:

For too long researchers have been using sex workers as guinea pigs without any benefit accruing to sex workers as the result of research. Essentially academic careers are made on our backs. Further, some research has provided ammunition to those who want to suppress the sex industry and research findings have been used to support some of those arguments. In many countries sex workers already refuse to be involved in research because they can't see anything in it for them. (Metzenrath, 1998, p. 11)

Action research “is inquiry that is done by or with insiders to an organization or community, but never to or on them” (Herr & Anderson, 2005, loc 168). There are many types of action research, and because each piece of action research arises out of particular situations and communities, different “families” of action research have evolved (Herr & Anderson, 2005). Indigenous research is one family of action research. Within indigenous action research, Kaupapa Māori research has evolved as a family of practices and ethics around research conducted with Kaupapa Māori people that I believe offers good guidance for research with sex workers.

Here are the principles of Kaupapa Māori research outlined by Smith (1999), reworded for sex work research: (a) Sex work research is related to being involved in the sex trade; (b) It is connected to sex worker “philosophy” by prioritizing safety, community, and self-determination; (c) It takes for granted the validity and legitimacy of those who are experiential in the sex trade’s knowledge about the sex trade, and the importance and validity of sex worker culture(s); (d) It is concerned with the struggle for autonomy over our own well-being (p. 187).

This research is especially aligned with Kaupapa Māori research in its strong focus on *exposing underlying assumptions that serve to conceal the power relations that exist within society and the ways in which dominant groups construct concepts of ‘common sense’ and ‘facts’ to provide ad hoc justification for the maintenance of inequalities and continued oppression* [italics added] (Smith, 2012, p. 188).

Not only do power differentials act to silence people who are disenfranchised, they act to interfere with the process of self-actualization (Ardener & Chapman, 1989). This perpetuates a cycle of power over those who have difficulty finding a way to legitimately protect themselves, fight back, or even speak for themselves.

**3.4.1 Adapting action research for sex workers.** Sex workers' humanity and complex personhood are excluded when they are viewed "as victims, or on the other hand, as superhuman agents" (Gordon, 1997, p. 4). Yet granting sex workers complex personhood in research or portraying them with thick description, creates the risk of "help[ing] identify, incriminate, and further stigmatize those studied" (Dewey & Zheng, 2013, p. 28). In a book titled *Ethical Research with Sex Workers*, the authors explain that "data such as direct quotes of participants' words and detailed life stories of participants in publications should also be handled in a delicate fashion so that the use of raw data would not unwittingly disclose their identities" (p. 27). In Alaska's small population and even smaller communities of sex workers, these concerns are even greater. In weighing the right to complex personhood against the risk of stigma and criminalization, I chose to err on the side of safety, aligning with Grant's (2014) position of focusing on the human rights of those in the sex trade and refusing to meet the "demand to create a satisfyingly revealing story, for audiences whose interest is disguised as a compassion or curiosity" (Chapter 3, para. 18). This kind of "selective silence," Grant (2014) says, is a "means of resistance," a "tactic until the time comes, or is made to come, when I can share my story in legal and economic conditions more favorable to me and to others who still do sex work" (Chapter 3, para. 20).

This research is about the places where those in the sex trade encounter systems intended to serve them. Only very cursory personal background information was collected from each participant—the interviews quickly moved toward co-constructing an understanding of the various systems with which participants had interacted. In order to protect themselves, many participants avoided detailed, thick descriptions of events, or described only events that had happened to other people.

Ideally action research happens within a community of people who work together to evolve an understanding of their shared circumstances. However, when conducting research with marginalized and potentially criminalized people their confidentiality must be protected—even from each other. Dewey and Zheng (2013) warns that it is infantilizing to label sex workers as a vulnerable population and “protect” them from knowing each other. She also warns that it is difficult to assemble a representative group of sex workers because of hierarchies and stigma that exist within the sex work community. This research includes the expertise of street workers, massage parlor workers, exotic dancers, agency workers, and independent escorts. It probably would not have been possible to include the expertise of such a wide range of people in Alaska’s sex trade if I had spoken with only one community of sex workers. By having very low barriers to participation (an internet survey, an email or phone call to set up an interview) this research is able to include the expertise of more participants. Additionally, personnel in sex worker organizations consulted during the design of this project thought that it would be unfair to ask people in the sex trade to participate in an ongoing involved research process without pay.

### **3.5 Epistemology: Taking Participant Knowledge for Granted**

How do we know what we know about people in the sex trade? Lived experience of the participants is primary concern in this style of research. According to van Manen (1990) knowledge gleaned from people who have actually lived through the experiences of a particular way of being in the social world provide researchers with contextual meaning:

of something past that can never be grasped in its full richness and depth since lived experience implicates the full totality of life. The interpretive examination of lived experience has this methodical feature of relating the particular to the universal, part to whole, and episode to totality. (p. 36)

No one but the person living the life can know its fullest meaning. That is why qualitative researchers foreground the participants lived experience.

If we get our information from popular media portrayals we might picture what Grant (2014) calls the prostitute imaginary “a woman, most often a woman of color, standing in a short skirt and leaning into a car or pacing towards one” (Chapter 5, para. 12). If we believe the depictions of the rescue industry then prostitutes are drug addled, psychologically damaged, manipulated, brainwashed, and nothing they say can be relied on (Agustin, 2007, 2013). Researchers like Ross, Farley, and Schwartz (2004) have positioned those in the sex trade as “abused, pathetic, and above all, incapable of making their own choices and hence in dire need of protection” (p. 9). It is somewhat radical—“a political act” (Dewey & Zheng, 2013, p. 8)—yet oddly rational, to believe that those in the sex trade know the most about their own lived experiences.

Much research conducted by abolitionists has disregarded the voices of those in the sex trade, or disregarded them when they said things that did not fit the researcher’s agenda. For example, in one study the authors “dismissed such answers as the product of dissociation . . . based not on any formal psychiatric diagnosis but on other researchers’ work on victims of trauma.” Schmidt’s 2011 study (as cited in Dewey & Zheng, 2013, p. 14).

Research which does not foreground and respect the knowledge of participants in the sex trade “has resulted in law and public policy that reflects an understanding of sex work as a form of violence against women” (Dewey & Zheng, 2013, p. 9), yet this policy has often been responsible for facilitating more violence against women (Grant, 2014). In order to avoid perpetuating harms against sex workers, “researchers need to eschew moralistic judgments and

respect sex workers as both experts on their lives and active agents who are capable of making informed decisions as well as making changes in their lives” (Dewey & Zheng, 2013, p. 31).

Dewey and Zheng (2013) discuss three reasons for treating sex workers as experts:

First, researchers have repeatedly denied the validity of sex workers’ statements. Second, experiences of stigmatization and marginalization can potentially imbue sex workers with the wisdom to understand their lives. Third, it is indispensable that feminist research places women and their lived experiences at the center of inquiry. (p. 32)

A foundational premise of participatory research is “that research should contain an action agenda for reform that may change the lives of its participants, the institutions in which they live and work, or even the researcher’s life” (Creswell, 2007, p. 21). The goal of the research is to provide a platform for the voices of people who currently have no voice in the process of creating policies that directly affect them (Creswell & Clark, 2011, p. 40).

Smith (1999) says that empowerment means that marginalized people “should regain control of investigations” (p. 34) into their own lived experiences. By returning ownership of sex workers’ and sex trafficking survivors’ stories and lived experiences to them, this research creates a site for personal as well as political empowerment.

### **3.6 Theoretical Perspective**

Like critical theory, this project aims to expose “underlying assumptions that serve to conceal the power relations that exist within society and the ways in which the dominant groups construct concepts of ‘common sense’ and ‘facts’ to provide *ad hoc* justification for the maintenance of inequalities and oppression” (Smith, 1999, p. 188). However, critical theory has sometimes been criticized because it does not create the same, or even the desired, results in all situations. Smith (1999) recommends localizing critical theory, as she says has been done in the

creation of Kaupapa Māori research as a theory and methodology. Localizing can involve critically engaging with one's own subculture, and mostly involves realistically adapting and applying critical theory to local conditions (p. 190).

### **3.7 Researcher Reflexivity**

All research is positioned—the creation and understanding of research comes from within a particular way of understanding the world, reality, people, and knowledge. In ethical research, it is important for the researcher to “make transparent how they have come to know what they know, how their positionality shapes their relationship with research subjects, and how their values and beliefs inform their interpretation and writings” (Dewey & Zheng, 2013, p. 53). In other words, one should account for their own thought processes and role in the research (Lindlof & Taylor, 2002).

I have had a wide variety of experiences with sex trafficking and sex work. I have also had a wide variety of experiences with the systems examined in this research, from being in foster care to working with youth in foster care and much more. For example, during the course of this research I tried to help an acquaintance of mine report sex trafficking to the police, but they would not offer her immunity to come forward and report safely. Then I tried to help her access crisis counseling at a crisis center, but was told that their granting was only for domestic violence and sexual assault, not sex trafficking.

The many different experiences I have had which relate to the research gave me many lenses through which to see and understand the people I met and the data I collected in the course of this research. In social science research an extended form of triangulation is used called crystallization (Creswell & Plano Clark, 2011; Ellingson, 2009)—understanding something from many perspectives at the same time increases validity and reliability. My prolonged engagement

with the fields of sex work and sex work discourse also increase the validity of this research. Throughout this writing I will share my reflexivity and examine my thoughts and role in the research. My own biases as well as previous experience act as a form of “reflexive objectivity” that centralizes my own “contribution as a researcher to the production of knowledge... [therefore] striving for objectivity about subjectivity” (Brinkmann & Kvale, 2015) as a validity strategy.

### **3.8 Methods of Data Analysis**

The research involved a two-fold process for data analysis: (a) survey results were tabulated as descriptive statistics. Some of the survey data was collected as qualitative statements. These were analyzed into categories related to the questions; (b) interview transcriptions were reviewed through a process of thematic analysis (Brinkmann & Kvale, 2015). Themes emerging from the interview data were organized into codes derived from the structure of the interview questions such as police interactions with people in the sex trade, mental health services, and emergency shelters.

I reviewed the data and did my best to weigh each participant’s input according to their experience. I considered my reflexivity and issues like internalized stigma. I gave less weight to the input of participants about things they said they had no experience with. I identified emergent themes and the most common recommendations.





## Chapter 4

### Representing the Data

#### 4.1 A Brief History of the Effects of Alaska's Prostitution Policies

The elder I interviewed had a perspective rooted in decades of close observation of prostitution from a small Alaskan village. As the elder put it, "I was born in a whorehouse." The stories the elder related and conclusions the elder seemed to have independently arrived at mirror much of the research and theories of sex trafficking and sex work in other places. In addition to being common, the elder's stories and ideas were incredibly specific, illustrating the unique intersection of the sex trade, cultures, and policy in an Alaskan village.

The elder that I interviewed believed that the progressive increase in prostitution laws and stigma increased violence against sex workers. To illustrate this the elder gave this example of an event that occurred in Nenana before prostitution was effectively criminalized in Alaska:

It was sanctified, everyone knew about it. You know they weren't, there wasn't... well as a matter of fact this one woman - a guy came in and tried to beat her up, be real rough with her, and she shot him dead, killed him. And she was charged, she went to court, and they [the local court] found her not guilty. And for that time, for a woman to kill a man, you know it was justifiable homicide for a rape or for being a prostitute or anything like that, it really says something about the mentality and the understanding of people at the time.

This account is corroborated in Coghill's (2009) biography:

She got in a row with one guy one day because he liked her and thought she was sweet on him and she wasn't, she was just doing her job. He came to her house one day when she was entertaining one of her other patrons and he got jealous. She told him to leave and

he got into a fight with this other guy and was heading towards her bedroom to get her and she shot him through the door (p. 158).

The elder followed this up with an example of ongoing violence after the criminalization of prostitution in Alaska:

The last woman to practice that trade here lived out the road [a ways out of town], and she was just a character and a bomb. She was a movie star, and her movie name was [removed for privacy]. She was a Broadway singer, and there's movies about her, beautiful woman. Anyway, she came in the late 40's cause she heard, you know, that all the speculation was going on in Alaska and she had a couple bucks so she went out the road and I don't know how she found this place, but anyway she got this house and got [a local man] to put the two houses together, you know he did with dead mans (?). And no one would go out there because it was so far out, and she made a bar called [removed]. And in the late 60's this local guy here he was like part Eskimo, Japanese, whatever. He would go out there and rape her, you know forcibly going in there, you know, rough her up, rape her, kind of bragged about it around town. She tried to defend herself, you know like barricading the door, you know getting a rifle and all this shit. Finally she got sick of being raped and she went to the state troopers and told them, you know, what was going on. But it was commonly known she was a prostitute, she got busted for prostitution too. And the state trooper just told her straight out, "[name], I can't help you, sorry, you can't rape a whore . . . This was like '68, '69, '67."

The observation of increased criminalization causing violence is corroborated by Morgan (1998) who describes Fairbanks' early prostitution policy, established by an Episcopalian Archbishop, as regulating prostitution to "the line" (established in 1906), where rent was

controlled, protection by law enforcement was readily available, and the women had “the backing of [the] well-heeled community” (p.189). Under the new ordinances,

a prostitute could answer to a lover or business manager, but that was her choice . . . and since prostitution was quasi-legal, pimps could not control women by threatening to turn them in to the authorities. If a girl was mistreated by a pimp she could easily get rid of him by having him arrested . . . for the first time, perhaps in the history of the United States, it was possible for a common prostitute to survive on her own, with a real chance of building a better life. (p. 192)

Over the years there was a lot of controversy about the line in Fairbanks and in 1913 the fence was torn down and prostitution was, effectively, criminalized. This was followed by horrible conditions for and violence towards prostitutes, culminating in the gruesome murder of Alice Astor in her home – a crime that never could have happened on the line. “Shortly thereafter,” Morgan reports, “Fairbanks prostitutes quietly returned to their cribs on Fourth Avenue, and the city fathers erected another fence” (p. 208).

When the federal government forced the closing of The Line in Fairbanks and the effective criminalization of prostitution in 1952 the result was pimps, violence, robberies, and rampant sexually transmitted infections (Erwin, 1960, p. 272; Morgan, 1998, p. 318).

The elder I interviewed believed that the enforcement of prostitution laws had always been racist and still is:

During land claims, when land claims passed, it was very oppressive for Native people. It was very oppressive for Native people pre-land claims. And then land claims came and they had a sense of something, of something even though a lot of people had a sense that it was a lie. You know but they couldn't articulate because, oh, you know, the kids are

going to have land, they're going to have corporations, they're going to be rich, all the lies. And before that you never saw groups of Native people hanging out downtown in Anchorage, and then they started doing that. Because they have a couple of bucks, they have pride, they're out on the street being seen. You know, and at curfew time, you know when the bars close, any cop who saw any Native woman on the streets at that time, young or old, was charged with prostitution. It is still going on to this very day.

Although I do not have municipal data for Anchorage, one hundred percent of the women charged with prostitution in Fairbanks in 2012, 2013, and 2014 were Native. This is echoed in a recent study of New York's Human Trafficking Intervention Courts that found that 94% of those charged with Loitering For the Purpose of Prostitution in Brooklyn were Black (Ray & Caterine, 2014). The elder believed the same people who are the most vulnerable to arrest and institutional abuses are also the most vulnerable to exploitation for survival sex or within the sex industry.

The elder also believed that the ruling class does not understand the realities of sexual exchanges and that the criminalization of prostitution is not just bad for prostitutes, but for society:

Sex has always been a part of barter and you know, give and take. It has even made peace among nations. *And they [the police and legislators] don't look at that as a reality, as a part of life.* You know. There was this thing in Seward where they had a great big red light district there too, and they got word that the feds were gonna come down and arrest all the prostitutes, and there was a story that I believe cause the guy told me about it. He said the cops went down there told all the women, "hey, they're coming they're going to nail you, drive you off." The whole town of Seward got the women, put them

on the train, sent them to Anchorage so when they came down there was no one there to arrest. So they knew that that was a very, you know, healthy – then after they got rid of all the prostitutes, well then you had a lot of teen pregnancy, they had a lot of rape, they had all these fishermen who were used to going to town to go to the local whorehouse to get serviced. It created a lot of problems, you know.

This viewpoint is corroborated by a recent economics study which found a 31% decrease in the rate of reported rapes and a 39% decrease in gonorrhea during the time that indoor prostitution was decriminalized in Rhode Island (Cunningham & Shah, 2014).

Before government sanctioned social services arrived in Alaska, prostitutes were a primary source of social aid. The research participant was aware of many people who had been significantly helped by prostitutes, saying “there are plenty of orphans around who never would have made it without those whores.” This matches other accounts within Alaska (Morgan, 1998), and the theme is common to other research – prostitution has traditionally been a way that money is brought into impoverished communities (Venkatesh, 2008).

The most recurring theme of the interview was that prostitution, the exchange of sex for goods, and younger people marrying older people has been normal in most cultures throughout history. For example, the elder said that “what National Geographic does not tell you about that nine year old girl and that old man is that they developed over thousands of years in a place with no Social Security, and because of the benefits to both of them that culture survived.”

The elder clearly distinguished consensual exchange of money for resources or relationships between young people and adults from abuse (of which the elder gave an example – “it was wrong because he didn’t want it and [the older man] hurt him”). The elder explained that there were certain social benefits to young people having sexual relationships with older people

for survival (which is one form of what is now defined as sex trafficking): the young person gets a “start” in life with someone who is already established with resources and experience, and the young person’s family does not have to spend what could be limited resources supporting and guiding them into independence.

Two of the research participants had had survival sex as homeless youth, and they both talked about positive elements of situations that are often framed negatively, or indeed had negative elements. One participant explained:

If the moment of victimization can be justified by the overall experience somehow advancing them; whether that be advancing them financially, advancing them to a new point of understanding, advancing them by introducing them to people who will care about them or have new opportunities for them, if they're getting away from a situation that they were running from and have new opportunities available as opposed to a dead-end: than even if there was a moment of something bad, that might actually be part of the life experience of growth and evolution. And though it is important to figure out how to prevent unnecessary harm of people, we can't negate an entire experience because of a couple components.

Another participant, who had worked for 44 years in the sex industry, since the age of 14, joked: “I don’t feel I was harmed in any way. Maybe visually, having to see some unpleasant things! But the money made up for that.” She went on to say:

It changes you, it changes you. And I’m certainly... you know, you had all those nice little disclaimers [the informed consent form] you know, but I don’t know that I was ever that type of person that would be upset at being asked these questions. But if you start

out as somebody who is having issues with being asked these questions you certainly wouldn't be afterwards.

The participant thought that the money made up for this effect, which had not affected her anyway, since she had not been “that type of person.” Overall, she said, she had not been harmed by the sex industry. The money had, quite literally, secured her survival as a 14 year old undocumented immigrant fleeing violence.

Agustin (2007) criticizes the sex trafficking framework as anti-feminist, explaining that within it, men are constructed as “routinely expected to encounter and overcome trouble, but women may be irreparably damaged by it” (Chapter 2, Section 9, para. 16). Speaking of migrants classified as sex trafficking victims, Agustin (2007) suggests that to see them as they see themselves:

we have to grant the possibility that less empowered, or simply poorer people, are not by definition passive victims. We have to realise that there is more than one form of autonomy, the western one, which can only occur within western ‘progress’ and modernity. Considered as people in flux and flexible labourers, rather than people with identities attached to the jobs they carry out, these travelers become ordinary human beings working to overcome specific problems. (Chapter 2, Section 11, para. 19)

Likewise, the research participants perceived themselves to be ordinary human beings who sometimes overcame specific problems. To understand what they have shared with us, we must also understand them as ordinary human beings navigating complex realities.

#### **4.2 Characteristics of People in Alaska’s Sex Trade**

There has been a lot of speculation about the characteristics of Alaskan sex workers and sex trafficking victims, mostly based on the conjecture of agents who financially benefit from



portraying all sex workers as in need of their rescue and/or arrest. In reports to the legislature, Alaska's Attorney General's Task Force on Human Trafficking reported that the average age that victims are first exploited is 12 to 14 years old (Appendix C). The Governor's office reported that the average age of entry into prostitution was 12 to 14 (Appendix D). There was no source given for notion that 13 is the average age of entry into prostitution, but that statistic is generally attributed to Melissa Farley; however, Farley and Kelly (2000) attribute the statistic to Silbert & Pines (1982). Silbert and Pines actually reported that 13 is the average age at which underage female prostitutes first had sex with a boyfriend:

Average age at which subjects had (first) sexual intercourse with a boyfriend was a mean  $x = 13.5$ . Of these 34% felt coerced or forced, either emotionally (29%) or else physically (5%). Although 66% reported no coercion involved, many of their open-ended comments suggested pressure... The average age of starting prostitution was 16.1... On the average, subjects were working regularly as prostitutes when they were 16.9... The eight months difference between the average age of starting prostitution (16.1) and the average age of working regularly (16.9) indicates a somewhat reluctant entrance into street life (p. 482).

Farley has been widely discredited in the social sciences (Weitzer, 2012). When she testified to Canada's Supreme Court about the harms of prostitution in 2013, Justice Himel (2013) said of Farley's research:

I found the evidence of Dr. Melissa Farley to be problematic... her advocacy appears to have permeated her opinions. For example, Dr. Farley's unqualified assertion... that prostitution is inherently violent appears to contradict her own findings that prostitutes who work from indoor locations generally experience less violence. Furthermore... she

failed to qualify her opinion...that [post-traumatic stress disorder] could be caused by events unrelated to prostitution. Dr. Farley's choice of language is at times inflammatory and detracts from her conclusions. For example, comments such as, "prostitution is to the community what incest is to the family," and "just as pedophiles justify sexual assault of children...men who use prostitutes develop elaborate cognitive schemes to justify purchase and use of women" make her opinions less persuasive. Dr. Farley stated during cross-examination that some of her opinions on prostitution were formed prior to her research, including, "that prostitution is a terrible harm to women . . . that prostitution is abusive in its very nature, and that prostitution amounts to men paying a woman for the right to rape her." Accordingly . . . I assign less weight to Dr. Farley's evidence. (p.1)

Alaska's Ad Hoc Working Group on Sex Trafficking and Prostitution (Appendix E)

reported that the average age of entry into prostitution was 15, again giving no source, and added that "a significant portion of girls enter as young as 12 years old" (p.6). It seems almost impossible for 15 to be the average age of entry into prostitution: for every person who entered at age 35, there would have to be two who entered at age 5.

In the survey used for this research, the average age that respondents first exchanged something sexual for something of value (including survival needs, clothing, drugs, or money) was 19. Most were between 18 and 22, with five 16-17 year olds, two 13 year olds, and three 25 year olds. Although I did not ask interview participants their age of entry, one volunteered that she had entered the industry as a 13 year old, and another at age 30.

Although it is impossible to know without considerable interviewing by a lawyer which of the participants would meet the legal standard of a sex trafficking victim under federal law, I did ask the survey participants if they had been victims of force, coercion, or manipulation

within the sex industry. Two of them reported being forced at any point in their career in the industry, and overall 18% reported entering the industry as a victim of force, coercion, or manipulation, and 30% went on to be forced, manipulated, or coerced within the industry. All reported that they did not think of themselves as sex trafficking victims, although force, fraud, coercion, or minors within the sex industry is the federal definition of sex trafficking. For the purpose of this research, I will compare those who reported being victims of abuse within the industry to the total results in order to isolate risk factors.

Both participants who entered the industry at 13 years old reported being subject to abuse when they entered the industry (one force, one coercion or manipulation). None of the 16 or 17 year olds reported entering the industry under abusive conditions, but 18 and 19 year olds did. No one who entered the industry above the age of 19 reported ever being a victim of abuse within the industry. The interview participant who entered the industry at 13 years old was pimped out by a guardian.

To determine which interview participants could be classified as sex trafficking victims, I consulted with Sienna Baskin, an attorney at the Urban Justice Center who works with sex workers and sex trafficking victims. Of the seven interview participants who had worked in the sex trade, she identified three of them as definitely sex trafficking victims, and said that one likely was, but she would need more information to be certain.

Participants reported substantial changes in their working conditions within the sex industry. Forty eight percent of participants reported entering the industry working independently, and 89% went on to work independently. Only seven entered the industry as victims of force, and no other participants went on to be forced within the industry. Manipulation and coercion did increase: 11% entered as victims of manipulation or coercion, and

another 11% went on to be coerced or manipulated. These numbers very closely mirror numbers from extensive research describing underage people working in New York City's sex trade (Terry, Kahn, Dank, Curtis & Dombrowski, 2008).

This has broad implications for trafficking prevention and enforcement in Alaska. Sargent Lacey, the head of Anchorage Police Department's vice squad, has stated that she believes all sex workers have abusive pimps who take all of their money (Shedlock, 2014)(Flaherty, 2014). Jolene Goedin, the head of the Alaska FBI office's Project Innocence Lost, has said that she finds it necessary to keep juveniles arrested for prostitution in lock down facilities until they are willing to name and testify against a pimp "for their own protection." This research as well as that of Terry et al. (2008) suggests that many juveniles who sell sex, while automatically classified as sex trafficking victims by law, may not have pimps or be victims of abuse within the industry.

Current efforts at preventing domestic minor sex trafficking in Alaska focus on education intended to help teenagers resist the seductions of pimps. These efforts will largely not serve young people who are pimped by family members and older teens who enter the industry independently or working with friends who are also working, who seem to be the majority of domestic minor sex trafficking victims in Alaska.

This tendency of the rescue industry to appropriate the bad things that do happen in the sex industry into narratives that do not serve those who are abused in the industry has been widely noted. Agustin, in their 2004 sex trafficking cult classic, wrote, "the words of these migrants tell us not that there are no abuses or problems but that 'trafficking' is a woefully inadequate way to conceptualize them" (p. 48).

All of the participants reported completing high school. Thirty percent had completed a college degree, and 30% had pursued graduate or vocational school. Several of the survey and interview participants reported having multiple associate degrees or vocational certificates in different fields. Of the seven percent who had completed graduate school, all reported entering the industry as minors.

**4.2.1 Limitations of the data.** The number (40) and diversity of participants makes this research a fair representation of people in Alaska's sex trade. However, the number of participants who reported entering the industry as minors was much lower. Their responses may indicate strong trends, but more research would be needed to draw strong conclusions about this population. Ideally such research would be conducted with those who were currently minors in Alaska's sex trade, in order to describe the current reality.

Additionally, only one participant had worked in an Asian massage parlor, and she was not Asian. Asian massage parlor workers were largely unrepresented in this research, although there seem to be several of them in Alaska.

Only 15% of participants had been in the sex trade for three years or less. 63% had been in the industry for over 15 years. These participants probably self-selected for being invested in safety in the sex trade and they obviously carry a wealth of experience. On the other hand, the majority of participants do not represent the experiences of those who enter and exit the sex trade relatively quickly, although some had only worked for short times in financial emergencies over several years or decades.

Throughout this thesis I will talk about the experiences of those who have been victims of force, manipulation, or coercion within the sex trade separately from other participants. My intention is to illustrate the experiences of those who meet the federal definition of sex

trafficking victims distinctly from that of others in the sex trade to inform policy intended to assist sex trafficking victims. Those who entered the industry as minors are included in the federal definitions of sex trafficking victims, but I was not able to filter their responses in the same way that I was with those who had experienced force, manipulation, or coercion in the industry. Therefore those who entered as minors are not included (even though they should be), with those who have experienced force, manipulation, or coercion, except where noted.

The federal definition of sex trafficking is the use of “force, fraud, or coercion” in the “recruitment, harboring, transportation, provisioning, or obtaining” (Office of the Attorney General, 2015) of a person for the purpose of a commercial sex act. Because of requirements that survey questions be at a fifth grade reading level, I simply asked survey participants if they had been victims of “force, manipulation, or coercion” within the industry. It is possible that some people checked the box who were victims of force, manipulation, or coercion that was not related to their “recruitment, harboring, transportation, provisioning, or obtaining” (Office of the Attorney General, 2015), or otherwise would not technically have met the full legal definition.

On the other hand, this group has identified themselves as having been victimized within the sex trade, and that is perhaps more relevant than legal definitions. From that perspective, it may be useful to think of these people separately from those who entered the sex trade as youth, who often do not identify themselves as victims. The experiences of this group of people are in some cases drastically different than that of other people in the sex trade, so I believe that it is a useful, if not ideal, measure.

#### **4.3 Seeking Shelter**

Of those who took the survey, only 20% had sought emergency shelter services. This was reflected in the interviews, in which only one person had sought shelter services. Of those

who sought services, 83% were unable to obtain shelter. Those unable to obtain shelter included adults and teens. All identified as white and 60% also checked the box for Alaska Native. Sixty percent of them had attended or completed graduate school. Those who were denied shelter represented 50% of the participants who had been victims of force, manipulation, or coercion in the industry. In other words, 50% of those who took the survey and could be classified as sex trafficking victims had sought shelter and been turned away. Of those who could be classified as sex trafficking victims, 100% were unable to access emergency shelter.

Asked what the shelters did that was helpful, participants unanimously said nothing, some with an added “lol.” What did the shelters do wrong? “[The shelter] wouldn’t let me in when it was forty below, wouldn’t give me shelter in general,” entered one participant. Another reported that the Abused Women’s Aid in Crises (AWAIC) shelter in Anchorage does not allow shelter to transgender women.

Most of the answers seemed to reflect a conflict between how the participant understood themselves and their world and how the shelter system constructed them. “[The shelter] said I wasn’t the right kind of victim,” typed a participant who had been a victim of abuse within the sex industry. One thoughtful participant who had traded sex for survival as a homeless teenager said “I chose the streets over the shelter system. That was a very, very clear choice. I tried the shelters. I realized that I would not be able to maintain a place in that construct and so I chose going back out onto the streets.”

**4.3.1 Limitations and validity of the data.** Only 20% of the participants had tried to seek shelter. Some of them may not have sought that shelter in Alaska. The overwhelming uniformity of outcomes seems to indicate a very strong trend. However, more research is needed to draw strong conclusions about Alaskan shelters and people in Alaska’s sex trade.

Other research with similar results lend validity to the trend noted here. A 2015 study of youth engaged in the sex trade found that they engaged in survival sex after “being kicked out of their families or being denied services at homeless shelters” (Dank, et al., p. 19). Additionally the youth reported “high rates of service denial” (Dank, et al., 2015, p. 79). Torres and Paz (2012) also did research with a similar population of youth in the sex trade and were surprised by how much they heard about “violent experiences at non-profits and with service providers” (p. 36).

Additionally, there has not been any research about how many people in general are turned away from emergency shelter. It is possible, though it seems unlikely, that 83-100% of all Alaskans who seek emergency shelter are turned away and that people in the sex trade are not being treated differently. Ideally future research would compare the shelter experiences of people in Alaska’s sex trade to other marginalized groups and to all people who sought shelter.

**4.3.2 Researcher reflexivity.** As a researcher, my understanding of the data is filtered through and made richer by my own experiences with shelters. Acting as an advocate for people in Alaska’s sex trade, I have tried to help several people obtain emergency shelter, mostly unsuccessfully. The following experiences make me inclined to believe that the experiences of the research participants is typical, and adds nuance and depth to my understanding of their check boxes on the survey:

A homeless teenage sex trafficking victim was made to leave a youth shelter because she had cut herself, which made the staff uncomfortable and the director thought that she may be a suicidal liability. She then had to return to selling sex on the streets to survive.

Another young woman was made to leave the same youth shelter when her boyfriend tried to break in to assault her and the shelter said that it put the other residents at risk. She was



left with few choices other than moving in with her violent boyfriend and eventually died under suspicious circumstances.

I instructed a sex trafficking victim who had escaped from a dangerous situation in a strange town to go to the local domestic violence shelter. To be allowed to stay, they required her to tell the story of the violence that had brought her there. She told the story, but was afraid to name the person who she thought might kill her, and so they did not let her stay. She believed that because she was Native they thought she was just trying to get a free place to stay. She then tried the homeless shelter, and was not allowed to stay because she was on felony probation (for charges related to being sex trafficked). I later spoke with the director of the shelter and found out that their granting requires them to get a story of violence (but not a name) before allowing anyone access to shelter.

I drove a former sex worker from a rural village to the domestic violence shelter in the city after her partner had assaulted her. I communicated with the shelter director before doing this. A dispatcher from the Alaska State Troopers called me and asked me to give her the ride. Her Village Public Safety Officer strongly recommended that she go. When we arrived at the shelter the staff told her there was no room. She was left in a strange city with no money, no ID, and all her and her children's belongings in a couple suitcases late on a cold Alaskan night. She had few options for survival other than street level sex work, but had had traumatic experiences with sex work before. After I sent a few emails to the shelter director, a room opened up, and other residents later told her that the room had been available the whole time. She thought that the shelter staff had stereotyped her as being Native and potentially a sex worker or drug user and didn't want her in their shelter.

**4.3.3 Analysis of shelter services for people in the sex trade.** People who are in need of, but unable to access, emergency shelter often must make desperate decisions to survive, and are at risk of abuse within or outside of the sex trade. As one participant, who had been unable to access shelter as a homeless teen, put it, “you wind up having the biggest assholes in the world as the ones who will help you with housing and help you with things, and that only facilitate another problem which is its own kind of trafficking issue.”

Agustin (2007) wondered “why so much passion and effort had not managed to improve life for people who sell sex. The social sector dedicated to helping them has grown and diversified, and some of the rhetoric has changed slightly, but the situation for the subjects themselves is largely unchanged” (Chapter 5, Section 2, para.2). Agustin also asked “how social agents and their projects remain at the social centre of attention while failing materially to improve the situations of people who sell sex” (Chapter 5, Section 2, para.2). Later Agustin concluded that these social agents “construct [their] own objects in order to study, organise, manage, debate and serve them.” (Chapter 7, para. 6)

Feminist theorists like Smith (2005) and Marcus (1992) criticize the idea of sexual violence (such as sex trafficking or other violence within the sex trade) as an isolated event. Instead, they argue, this violence is only one point in a process of gender, class, and racial interactions that is scripted by the patriarchy. Smith (2005) explains, “sexual violence is a tool by which certain peoples become marked as inherently ‘rapable.’ These peoples are then violated, not only through direct or sexual assault, but through a wide variety of state policies, ranging from environmental racism to sterilization abuse” (p. 3). Within this construct, it is the role of institutions to mark certain peoples as rapable.

In a recent article on a local news website, an employee of a local youth shelter, Covenant House, was quoted explaining that they “ask people not to stay here,” (Glaser, 2015, p. 1) if they are perceived as having experience in the sex industry such that they might “recruit out” (Glaser, 2015, p. 1). Youth with sex trade experience are inherently defined as sex trafficking victims under federal law. When they are denied emergency shelter they often have no options other than engaging in sex work. The federal definition of sex trafficking includes inducing a minor into a commercial sex act. Under this definition, one wonders if some shelters could be considered criminally responsible for sex trafficking the sex trafficking victims that they deny shelter to.

Are crisis shelters participating in sexual violence, including trafficking, when they arbitrarily deny crisis shelter to victims who are trying to escape trafficking situations? More research is needed to understand the efficacy and discriminatory practices of shelters with sex workers and other marginalized groups.

**4.3.4 Participant recommendations for shelters.** As action research, a primary goal of this thesis is to make actionable recommendations to social agents who serve people in Alaska’s sex trade. Participants had some advice for shelters:

- “don’t discriminate”
- “It shouldn’t matter what we do for a living or where we met the person we need protection from.”
- “All people deserve a warm safe place to sleep, whether you approve of their choices or not.”
- “Treat everyone seeking help the same. No judgment about their jobs.”

- “To educate staff about the realities for people involved in the sex trade. It is not helpful to judge nor to refuse services because you do not approve of other people’s choices.”
- “Let them work.”

Interview participants with experience with shelters (one as a worker, one as a client) had longer recommendations. The first recommendation is for those in a case management role at shelters or transitional living programs:

However, again, if you are in a decriminalized situation where you can talk to financial planners or, you know, who are industry specific, like counselors who are like, “okay you're coming up from the sex industry we're gonna have to help you get an apartment, it might take you three years to wean off of having this need. You'll go from full-time sex worker to part-time sex worker to no sex work, because we want to see you graduate community college, we're gonna help you get vocational retraining, in order to see that you can get work in your community where you can pay your bills. And if not and you still turn a trick every once in a while then at least you will have a support system to go to.” But here's the last question on that is what you do about taxes, what do you do about receipts for apartments? So without having a community support system intact where you can be honest about what's going on, there's always something missing from what you are presenting financially. And without having a really good support system or people that really care, you wind up having the biggest assholes in the world as the ones who will help you with housing and help you with things, and that only facilitate another problem which is its own kind of trafficking issue. Again consensual but not to veer. The main thing being that to have declarable income, or lack of declarable income, then a lack of

being able to make that conversion from cash to declarable income because of tax issues is another big problem and that's where a lot of people get stuck - and there is no consideration for that. You do need to wean people out of the sex industry, it is not just a magic wand where you can say you are now free go get a job at Wendy's go get a job at Walmart and I don't see that discussion anywhere in any of this

For crisis shelters, a participants recommend:

- It'd be really nice to be able to go to the women's shelter if they're from out of town and they don't have anywhere to go with them and their kids or something because people get stuck in this profession and don't have a way out. I don't know if you can go to the AWAIC shelter and say I'm a prostitute, I just want help, I want to get out of business, will they let somebody in?
- Maybe a safety net. If there was... I've seen the ads on back page - if you or someone else you know is being abused call the helpline - well, that's not really going to work. But, you know, if they knew that they were able to go somewhere safe without questions asked. I know Covenant House just built a bigger place but I don't know how to get into those places. Maybe if there was more knowledge - like this is what you can expect if you want to get out of here call these numbers and this is the process that you're gonna go through and it's going to be easy and we're not gonna look at you different because you were a prostitute.
- I would say to not look down upon someone who makes a choice, I mean sure there are girls out there that do for the wrong reasons, but there are a lot of girls out there that do with the families pay off car loans, student loans, go to school

and support themselves. They enjoy the work. Those are girls that like to be independent and make their own money and if they need to talk to somebody because some issues arise and they go to talk to someone telling them your choice and work is not okay and there's something morally wrong with you they're not going to want to talk to a professional and get any kind of help that can arise out of any kind of work place - if your nurse and you see some trauma, if you're a teacher and you have to deal with kids coming without lunches and it bothers you... You know, I have personal experience with being a counselor and I know that we were always told to meet the client where they were, like mentally and emotionally and not put our thoughts and aspirations and morals onto the client just because they don't believe in what we believe. It would be nice for people to treat others like that.

- I will say that maybe there is a need for there to be some kind of advocate liaison that works between sex workers and law enforcement. People, like where, if you have a sex worker who has been taken into custody either voluntarily or in some kind of a RAID or situation. if they are able to have an advocate present who hasn't just gotten a degree right, but truly understands the industry from both an experiential and an academic perspective to be there to help make sure the situation is correctly, uh transcribed or recorded, or that the rights of the person are clearly, like, that there situation that their rights are clearly understood or any rights they're giving away are clearly understood... I don't see there being you know nondenominational compassionate care professionals who can really help navigate that.

The recommendations of these participants is grounded in years of experience both as and with those seeking shelter and as a shelter worker. Their insights are valuable and should be considered seriously by shelter administrators and staff.

#### **4.4 Accessing Mental Health Services**

Fifty-four percent of participants had sought mental health services. Of those, 62% were able to access the services they were seeking. However, of those who identified themselves as having been victims of force, manipulation, or coercion within the industry, only 25% were able to access mental health services. Participants had much to say about what mental health providers did right:

- “Listened.”
- “Gave me tools.”
- “They gave me all the meds I needed because the pimp I was with got me the best insurance.”
- “Give me professional counseling to become a better person, woman, mother.”
- “Medicated me for a couple weeks so I could sleep off a bad experience.”
- “Taught me to stay away from the mental health industry.”

Participants also had much to say about what mental health providers had done that was not helpful:

- “[They] suggested Jesus.”
- “Their approach was based on stereotype. They were too concerned about my ‘pimp’ of which I didn’t have one.”
- “Drugged me so heavily I could barely read. Told me that wanting to take care of myself was pathological. Tried to instill a fear of touch and intimacy.”

- “Everything.”
- “tell me that I need to be positive. I tried to be.”
- “i [sic] was never able to get beyond the intake process. my [sic] mental health issues made it so that i [sic] was unable to access mental health services haha.”

#### **4.4.1 Participant recommendations for mental health providers.**

- “Take the initiative in talking upfront about your biases or openness.”
- “Have empathy, don’t have pity or judgment, let them lead the conversation.”
- “it’s [sic] just a job, get over it”
- “Stop judging people for the way they function/live. Learn harm reduction.”
- “Don’t discriminate. Get educated about local practices of sex workers in your area,”
- “Be aware that we touch a lot of strangers, and don’t act like it’s weird.”
- “allow [sic] me to talk about it and not treat the sex work like that’s the problem. you [sic] laws are making me crazy.”

Two participants had no advice for mental health providers, pointing out that “they should already know.”

An interview participant who had significant experience as a mental health provider explained:

You know, I have personal experience with being a counselor and I know that we were always told to meet the client where they were, like mentally and emotionally and not put our thoughts and aspirations and morals onto the client just because they don't believe in what we believe. It would be nice for people to treat others like that.

They clarified:



I would say to not look down upon someone who makes a choice. I mean sure there are girls out there that do for the wrong reasons, but there are a lot of girls out there that do it [to support] families, pay off car loans, student loans, go to school, and support themselves. They enjoy the work. Those are girls that like to be independent and make their own money and if they need to talk to somebody because some issues arise and they go to talk to someone, telling them “your choice and work is not okay and there’s something morally wrong with you,” they’re not going to want to talk to a professional and get any kind of help. That [need for help] can arise out of any kind of work place - if you’re nurse and you see some trauma, if you're a teacher and you have to deal with kids coming without lunches and it bothers you.

**4.4.2 Limitations and validity of the data.** The number of participants who had sought mental health care is again enough to notice strong trends, but not to draw strong conclusions. In every area of this research, those who had been victimized in the sex trade were less able to access services and more likely to encounter violence, (Figure 1; Figure 2) which lends some validity to those who had been victimized within the industry being less able to access mental health care.

**4.4.3 Discussion of access to mental health services.** Those who had been victimized in the sex trade were able to access mental health care about half as often as those who had not been victimized. Once again, the effects of stigma and criminalization seem to come down the hardest on those who have already been victimized. This is explained by organizational violence theory (Smith, 2005): that the same characteristics of marginalization that make people attractive to victimizers also makes them targets of discrimination when trying to access shelter and mental health care.

Although little research has been conducted about sex workers and mental health services, sex worker groups do outreach to mental health providers. At a conference I attended in 2013, sex workers presented to mental health providers about what to say, what not to say, and how best to provide services to people in the sex trade. The Sex Workers Outreach Project, a national organization with groups in many cities, maintains lists of non-stigmatizing mental health providers for sex workers in their areas.

#### **4.5 Medical Care**

Eighty-three percent of survey participants indicated that they had sought medical attention during their time in the sex industry. Ninety-four percent were able to get the medical services they were seeking, though one participant clarified, “Yes, but many of the services were compromised because of the service providers being weird about my job.” Only 33% reported that their medical providers were aware of their involvement in the industry.

What did medical providers do right? They provided people with medical services, and the participants listed a wide range of treatments they had received.

Despite so many participants being able to access medical services, they had much to say about what medical providers did wrong:

- “Acted like I was stupid. Didn’t ask if I need help with a drug problem.”
- “lecturing”
- “been bad listeners”
- “Called me dirty and said that I must not use condoms.”
- “didn’t say much of safe sex”
- “Overbook patients and then rush through appointments.”

- “I was told that I didn’t deserve to be a patient at their clinic. They thought I was dirty. They didn’t approve of my attire.”
- “Stigmatized me for my work. DEprioritized [sic] me [because] of my work and lifestyle.”
- “charge me”
- “Tell me that I shouldn’t be going there so much.”
- “Had an attitude.”
- “Close the door to open communication so that I was not comfortable to speak openly.”

One participant contextualized her experience with a clinic after being assaulted by explaining:

As a Street Person, living on the edges of society, I learned very quickly there is no “help” from the straight world. I was judged due to drug use and “bad attitude.” When a woman who wears no underwear (just cotton drawstring trousers and a tee shirt) and no shoes is sexually assaulted, she best not ask the police or clinic for assistance. The idea of taking this matter to the police never crossed my mind but I honestly thought (initially) that the clinic might help.

#### **4.5.1 Recommendations for medical providers.**

Participants had recommendations for medical providers:

- “Get over your bad selves.”
- “Ask questions when something doesn’t look right.”
- “See earlier. Take initiative, don’t expect patients to confide in you if they don’t know you’re non-judgmental.”
- “we should be able to talk to you about our work without being judged”

- “your my doctor not my parent”
- “to listen, not lecture”
- “Keep your bigotry out of your medical practice.”
- “No judgments! I never told any providers about my job because I didn’t want to deal with their judgments. It wasn’t relevant in my case anyway – I was never seeking care for anything related to sex work.”
- “They should not discriminate. They should become educated by sex workers in their local area.”
- “Be aware that we touch a lot of people but other than that... how different are we? So don’t make it weird. Stigmatized workers don’t like to go to the Dr’s [sic] that stigmatized them. This affects everyone. Own some neutrality, it’ll do us all a favor.”
- “we aren’t all gonna die of aids”
- “Don’t ask who you have had sex with. I don’t remember all their names. I’m a big girl IF I got an STD I can tell the husband myself.”
- “Their attitude is what prevents us from having the specific medical care we need.”
- “To have no judgment. They should appreciate the fact that I’m seeking care in order to take good care of myself. It is very disheartening not to be able to be honest with my Gynecologist [sic]. I need specific care with 90 day screening for STDs. The medical provider I have now is closed minded therefore I cannot receive the specific care I need. This hurts everyone.”

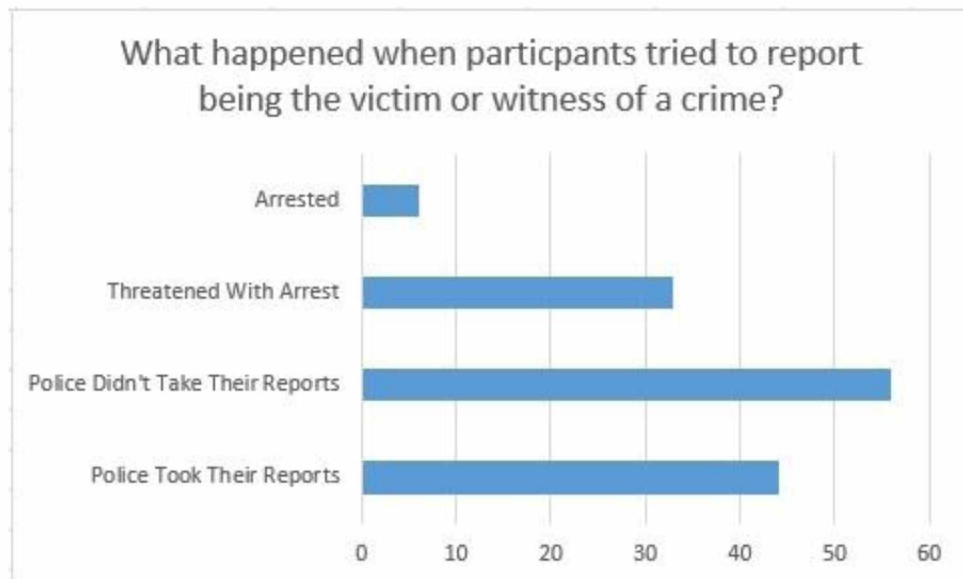
**4.5.2 Discussion.** Health and access to health care are some of the most researched aspects of the sex trade. This is perhaps reflected in the fact that so many participants were able to access medical care. Medical care is the only area of the survey where those who had been

victimized in the sex trade were more able to access care than the rest of the survey participants. Although participants had a lot of complaints about their doctors and say that their care is compromised, they are at least being minimally served in this area.

#### 4.6 Police

**4.6.1 Police: Reporting crimes.** Thirty-nine percent of participants had tried to report to the police that they had been the victim of a crime while doing sex work. Fifty-three percent had tried to report being the victim or witness of any kind of crime at all, and 48% had never tried to make a report to the police. The police took reports from 44% of them, arrested 6%, and threatened 33% with arrest.

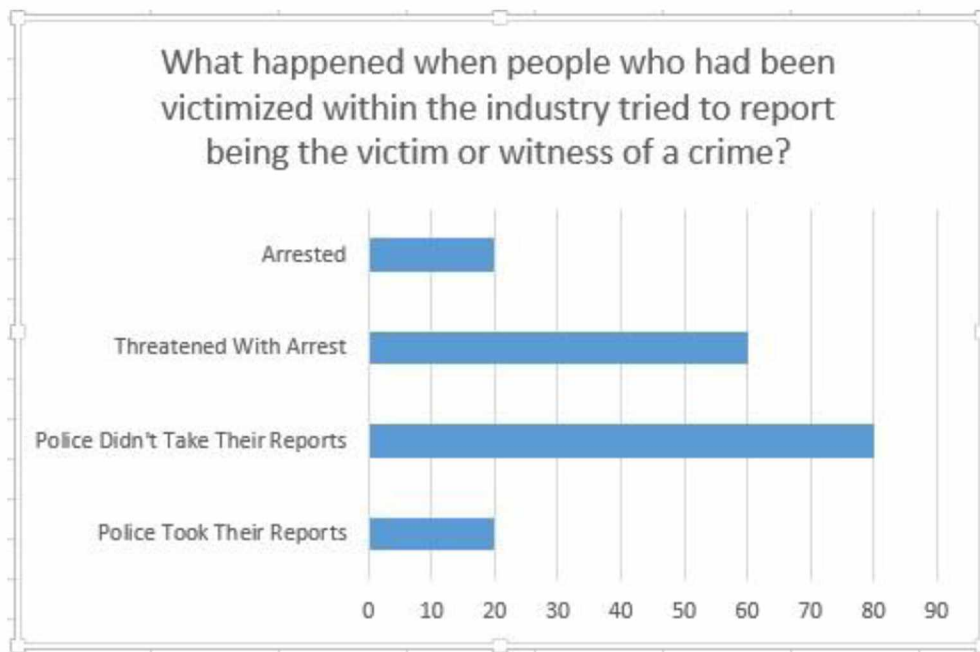
Of those who had been victims of force, coercion, or manipulation in the industry, 80% had tried to report being the victim or witness of a crime, and the police had taken reports from only 20% of them, threatened 60% with arrest, and actually arrested 20%.



*Figure 1.* Reports of being a victim or witness to a crime from the entire survey population.

This figure illustrates the range of responses from participants who tried to report being a

victim or witness of a crime in four contexts: (a) arrested, (b) threatened with arrest, (c) no police report taken, and (d) police report taken.



*Figure 2.* Reports of being a victim or witness to a crime only from those who had been victims within the sex trade. This figure illustrates the range of responses from participants who tried to report being a victim or witness of a crime in four contexts: (a) arrested, (b) threatened with arrest, (c) no police report taken, and (d) police report taken.

Being threatened with arrest, being actually arrested, and not having their reports taken by police seems to have culminated in a subculture that, even if they have not personally tried to report a crime, still understands reporting to be pointless or dangerous. This understanding is reflected in this interview participant's explanation:

I don't have any personal experience but just from what I've heard from everybody else that if something bad was to happen to not trust law enforcement to carry out any justice... I know that if [I became a victim of a crime] I couldn't just call the police and

know that everything would be okay. I couldn't call the police and be treated like a typical public person.

Another interview participant, when asked if she would go to the police if she became a victim of a crime, responded, "Oh, you're on your own here, pretty much. You're on your own. No I wouldn't go to the police if I were a victim of a crime."

I had the following discussion with a participant who had had significant experience attempting to report sex trafficking:

T: if you became a victim of a crime while you were involved in sex work, would you call the police?

P: It depends on the situation and where I'm at.

T: Here in Alaska.

P: I can't answer that, it would depend on the situation and where I'm at.

T: If you became a victim of sex trafficking would you call the police here in Alaska?

P: Not necessarily, no. Because I think that if you were a victim of a crime that's truly a crime at that level you need to deal with politicians, not law enforcement. You cannot call 911. At a base level it's bullshit... [Lengthy example of calling 911, removed to protect participant's anonymity.] ... That's an example of calling 911, you either get like a SWAT team surrounding your property over the fact that, like, you know, your cat is stuck in a tree or you are going to have a serious situation where you cannot get the people that you need in the manner that you need effectively. That's my view on that. And after the situation that happened last month the odds of my calling 911 for anything ever again are very little, because if you don't have a direct number for behind the computer system, if you don't know someone in the system, you don't have like a

detective that you can call, or lieutenant that you can call, or politician that you can call who can call someone for you, you're not going to get what you need. You're going to going to get a mess. A very public mess at that.

One participant expressed a concern that:

When somebody who's just been attacked in the sex industry comes to their attention by reporting it to the police - then them being released back into the immediate environment – it's endangering everyone involved. Them, their peers. If they don't have resources to support themselves or to leave the area they are danger and a detriment everyone around them, including themselves.

Another participant, when asked if she would go to the police if she became a victim of a crime like sex trafficking or rape responded:

Sex trafficking, yes, because there's someone to snitch on basically. Every time I've encountered the cops that's what they really want. They didn't really want me they always wanted someone bigger than me that they can get to give a felony charge to. The last time I was caught they threatened to charge me as a sex offender, charge me with sex trafficking, even tho I was an independent, no children involved, nothing. Just me, and they tried to charge me as a sex offender, they tried to charge me with sex trafficking myself.

If I were raped? Jesus Christ it depends on the area honestly and how it happens.

Unfortunately, because of the nature of my work people don't view rape the same way always. I mean if I were absolutely like violently attacked, if someone came in here or I was just walking around someone raped me, yeah. But if someone's in my work space and they forced me to have sex with them. It would be the same emotionally



psychologically for me, but legally proving that that's what exactly incurred - or someone saying that actually theft, which is insulting. Because might my work is about consensual sex it's not about nonconsensual sex and so... would I pursue it? Yeah I would, just to see what would happen, honestly. To tell you the truth because I want to make the systems better. Women not talking about it, women not going to the police allows the violence against sex workers to continue, to perpetuate. I mean ultimately I will do the right thing. I mean, that's why I'm homeless and have no friends right now, because I've always done the right thing.

One participant had called the police and had a somewhat positive experience:

I have called the police before, that's worked in my favor. Yeah, I had somebody who, a customer who wanted to take the money back at the end and, uh, he wouldn't leave. I called the police to get him thrown out, and the police did come. He didn't think the police were gonna come, and they did come, and they took him out. And uh, the police wanted to know how I made contact with him because of course he, I mean I don't know what exactly he told them but they kept asking me, you know, they wanted to know the circumstances under which I came into contact with him and I just, you know, wouldn't tell them and so he wasn't charged with anything but you know, they got him out, and I got the money. So that worked.

Another participant when asked if she would call the police if she became a victim of rape or sex trafficking simply said, "no." When asked why, she said, "Because I would be arrested."

One participant had gone to the FBI and tried to report that she and her coworkers were being sex trafficked:

In the 1993, I believe it was, or 1992, I actually went to the FBI in Manhattan and I reported part of a syndicate after I was beaten up and given a bad check from the legal company that was a front for illegal activity. There were some things building to that, but the reason that I was beaten up was because the workers were locked in on a premise and we needed to get supplies because the house was selling our supplies at like 100% markup. All of the workers needed supplies [supplies likely means shampoo, condoms, make-up, and food] and I was voted as being the person who had the most self-confidence and ability to try to communicate that, and it ended up with me being beaten up and potentially put into it an even more detrimental situation. I had to think about that long and hard because other people supported my doing it. The problem at that point was that it would take hundred calls to vice and in an area of the country each from separate people who all were willing to identify themselves with their full legal name, and until there were 100 complaints put in an investigation could not be opened up. And if anything happened to you at that point in time if you were a hooker or defined as an aberrant of any kind you would get a stamp on your file that said that you were not a human investigation. The NH stamp was for people who were sex workers, drug pushers, gang people, and if you got out there was no investigation. So there was a lot there. When I did that, it just proved to be ridiculous because at that point in time, like, to me, if workers are actually locked in – except that I do, I now understand lock in concepts I am not saying that lock in is always bad - but when workers are locked in and forced to pay markup, a huge markup for all supplies and they're not even allowed out for air. They could be physically abused if they tried to air that and then they are given bad checks that they are not able to legally work with as far as trying to recover funds lost. Once you

have like actually pimped people out and had them do sex work for money that they're never going to receive and you have all those other things, to me that is genuine trafficking. Even if it doesn't meet the definition of what's going on now because you are – you've willingly gone somewhere and you willingly agreed to work but just not understood the conditions so to me it's like trafficking, it's part of the reason why I say that the present definition is just ridiculous

That participant further explained:

Leading up to now, all of my contact with law enforcement has been so ridiculously clearly defined by what their present administrative goal directive is as opposed to what the actual needs of people are, that you realize that you have to understand more about what's going on from the national and state perspective politically before you go to the police. It's not about a crime or a moral code or ethics it's about the political framework, the contextual framework, the political structure of the administration that is existent in the time that you are potentially experiencing a problem. That's not how law enforcement is defined to you when you're a child but now I get that. So, you know, if you see something bad happening you have to take into consideration whether or not the time period, the belief of the time period that you're in, is going to wind up understanding the nature of the crime. I realize now that it wasn't ridiculous that I went to the FBI but it was ridiculous that I would believe that anybody would care if there was no money attached to them caring about something. There has to be like some kind of cookie that they're getting. Law enforcement needs to be told there's a reason for them to care about something. Basically that would be the final answer I have on that. Law enforcement doesn't do things because of a need to protect people, they do things according to policies

that are given to them, because that's simply the way that law enforcement works and how their money is distributed to them.

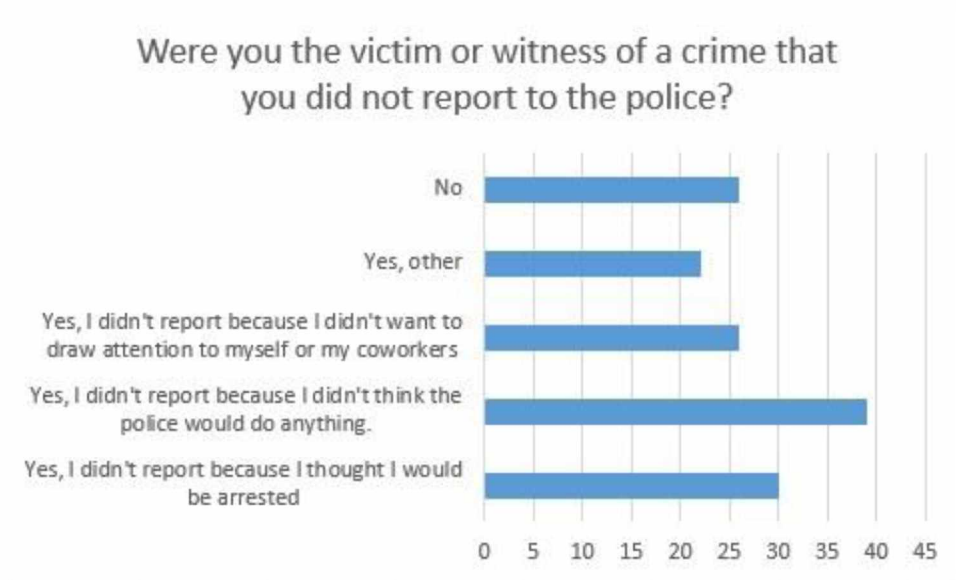
A participant who had been sexually and physically assaulted by police officers related a time when she had been the victim of a crime and,

Unfortunately, I'm scared to file a report with the police because there's a chance of me being arrested . . . [the sex trafficking laws are] affecting people horribly you know it's, it's people who . . . Like myself, I'm retired now but when I was working, you know, what would be a prostitution charge is now you're gonna be a sex trafficker. I don't really understand how you can sex traffick yourself or coerce yourself. So, um . . . I do know one other person and she was definitely a victim in a case but she got labeled a sex trafficker, so, it's crazy.

Another participant reported:

I have a friend that was walking on [a local stroll] a couple years ago and a guy in a truck had raped her and she already knew who it was and she reported it to the police. Other girls had reported the same thing happening and he's still driving around doing what he does. Sadly. [The police] ignored her. They didn't do anything at all. I don't know the specific details but I know that she was really frustrated about it and she didn't feel safe at all.

Overall, despite sex trafficking and prostitution laws being intended to protect vulnerable people in the sex industry, 74% of participants reported that they had been the victim or witness of a crime that they didn't report to the police because they were afraid they would be arrested, they didn't think the police would do anything, they didn't want to draw attention to themselves or their coworkers, or other reasons.



*Figure 3.* Not reporting. This chart illustrates participants responses about whether they had reported crimes or not, and why.

Of those who had been victims of force, fraud, or manipulation within the industry, 100% reported that they had been the victim or witness of a crime they did not report to the police.

**4.6.1.1 Researcher reflexivity about reporting crimes.** As an advocate for people in the sex trade, I have had many experiences trying to help people report crimes and talking to them about their options around reporting crimes. I have also had experience reporting when I was the victim of a crime and being “rescued” from sex trafficking. I have also presented to and consulted with federal and local law enforcement (outside of Alaska) about doing outreach to victims of trafficking into the commercial sex industry.

About 15 years ago, I reported to police that I had been the victim of a crime while working as a dancer. They made fun of my dress, said that I was probably lying, and threatened to arrest me. Later a detective told me that I should expect to be assaulted because of my job. Although this experience did not happen in Alaska and is far from my only experience with

police officers, it offers me one lens through which to understand participants' experiences being turned away from reporting crimes.

In August of 2014 several other people and I engaged in an ongoing effort to report a man who was threatening Fairbanks sex workers, saying that he was a police officer and would arrest them if they did not pay him \$1000. Different police departments and an assistant attorney general told us that they would take a report but couldn't do anything, that they would take a report but it would be classified as an "unreportable report," that the victim(s) had "some exposure" to potentially being charged with sex trafficking, and that there was no way a victim could be granted immunity. Eventually, after we involved the governor's office and the media, the police arrested the man. Then, instead of contacting the victim through the means she had made available, the police went to her house and intimidated her. I was on the phone with her and overheard a conversation where an officer asked her repeatedly in an aggressive tone how it felt to be threatened by a police officer. The police then gave her phone number to a religious group, who called her repeatedly until she changed her phone number.

During the course of reporting this situation, I asked another officer what would have to happen for people in the sex trade to access equal protection under the law. He said that it would have to be taken up with the legislature. He explained that sex trafficking is facilitated by the criminalization of prostitution, saying, "Sex trafficking, that involves a lot of prostitution and what have you. Women [sic] get in bad situations with prostitution, you know, because prostitution is illegal and that makes it easy to take advantage of women in those situations."

Just a couple months before that, a friend had called me from Europe, where she had been travelling and doing sex work. She had been staying in a hostel and met a man who said that he knew how to advertise her services and get customers in that country, something she had been

having some trouble with. She moved into his apartment to work with him, and her passport immediately went missing. He quickly changed their financial agreement and started taking most of the money she earned. Although I urged her to go to the police and offered to buy her a plane ticket to anywhere, she was more afraid of the police than she was of the trafficker.

A person I know who was violently and dramatically sex trafficked for years by a man who kidnapped, imprisoned, raped, and tortured her was charged with dozens of counts of conspiracy to traffick at the federal level. According to the charging documents, what she gained from the conspiracy was the use of the trafficker's space for "commercial sex acts" which she was trafficked into (Appendix F). She spent over two years in a federal prison and now faces significant discrimination in accessing housing and employment because of her sex trafficking conviction.

When I have spoken with police officers about sex trafficking victims, they have often expressed confusion that victims do not seem to want to be "rescued," that they will not testify against traffickers, that they hide from police, and that they go back to sex work. Some Alaskan law enforcement officers have explained to me that all sex work is sex trafficking, but that most victims do not realize they are victims. Therefore, some of them believe, it is necessary to imprison these "victims" to protect them from their own bad choices.

These are just a couple recent examples of the dozens of experiences I have had related to people in the sex trade reporting crimes. Along with organizational violence theory, symbolic violence, Bourdieu's (1986) theories about the force of law, and other theories, these experiences each offer a slightly different lens through which to view participants' experiences. Together, these lenses offer a crystallization, or multiple complex interpretations to describe a deeply

thorough and yet partial reality. Crystallization allows for multiple contrasting ways of understanding a reality to become a whole, multi-faceted crystal.

**4.6.1.2 Analysis: Reporting crimes.** Many participants mentioned that they are targets for violence because criminals know that they will not report to the police, or that police would not take their reports. Organizational violence theory (Smith, 2005) would say that police systemically turning away people in the sex trade who are trying to report crimes marks these people as “rapeable.” In this way, without communicating about it, police and criminals seem to cooperate in the victimization of people in the sex trade. McClintock (1992) agreed, saying that prostitutes are “unrapeable” – that because they have ruined their private property value to individual men, the patriarchy views the rape of prostitutes as non-rapes (p. 72). Bourdieu (1986) explained it differently, saying that a function of the law is to maintain the power that some groups have over other groups (p. 814).

**4.6.1.3 Validity and reliability.** One way of establishing the validity and reliability of research is to compare it to other research and academic work. People in the sex trade being at risk of violence because they cannot access police protection has been mentioned in many theoretical and qualitative works (Agustin, 2007; Agustin, 2013; Almodovar, 2002; Goffman, 1963; Grant, 2014; Iman et al., 2014; McClintock, 1992; Ditmore & Thukral, 2003; Venkatesh, 2008). I am not aware of any other research that attempts to quantify the issue.

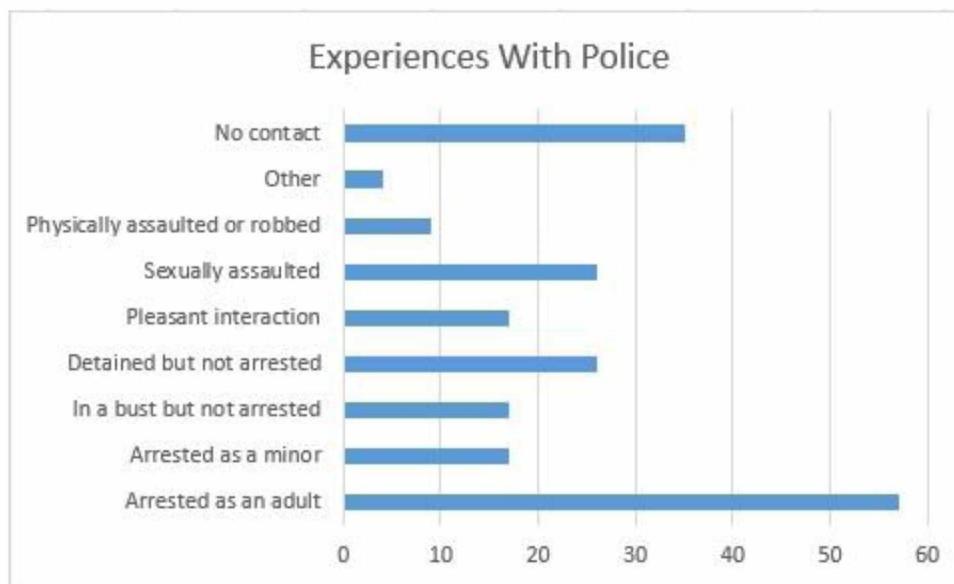
**4.6.2 Arrest.** Fifty-seven percent of participants had been arrested as adults and 17% as minors. Overall, 65% of participants had had some contact with police. Of those who had been victims of force, manipulation, or coercion within the industry, 80% had been arrested as adults. With the stated goal of current policy being to protect vulnerable people in the sex industry, it seems encouraging that police have had the chance to outreach to 65% of people in Alaska’s sex



trade and 80% of those legally defined as sex trafficking victims, but participants did not report positive experiences.

Of those who had been arrested, only 47% were charged with anything and only 21% were convicted of anything. Eleven percent were charged with sex trafficking and 32% were charged with prostitution.

Police inquired as to whether participants were being trafficked only 6% of the time, and none of the time for those who had been victims of force, manipulation, or coercion within the industry. Thirty three percent of participants felt that police had provided them with appropriate protection, services, and referrals, and 80% felt that they had not (participants could check both



*Figure 4.* Reports of contact with a police officer. This figure illustrates the range of experiences reported by respondents including (a) no contact (b) other (c) physically assaulted or robbed (d) sexually assaulted (e) detained but not arrested (f) in a bust but not arrested (g) arrested as a minor (h) arrested as an adult.

yes and no, presumably those who checked both boxes were referring to different incidents). Of those who had been victims of force, manipulation, or coercion within the industry, none felt

they had been provided with appropriate protection, services, and referrals, and 100% felt that they had not.

Here are some of the things that survey participants had to say about their experiences with the police:

- “They wanted me to be a confidential informant on a mob case.”
- “During that time in my life I would not speak to the police. We wore whistles around our necks and blew them hard if we saw the police to warn others, there’s a sweep. I was very good at not being seen.”
- “We called the cops on an abusive pimp situation [in Canada], they responded appropriately... the girl (not woman) concerned was free, the coercer (pimp) hasn’t been free since. Thanks Ontario!”
- “We don’t call no cops. Cops bust dope addicts, whores, and crazy people.”
- “Violence is violence. People buying or selling drugs or sex is not that. I have reported violence.”
- “Reporting is very political. In some situations I would.”
- “I was once charged with Crossing Against a Red Light [sic] in an intersection where there was no light. Now, Who Was Impaired [sic], I ask you. But I did not ask the judge. Just held my mud and paid the fine.”
- “Last time I was stopped by the police for something completely unrelated and I made the mistake of admitting I was a stripper, they commented how “unusual” and “pretty good” it was that I had only been arrested once in my life and I didn’t have any warrants or other traffic violations, or convictions.”
- “The police suck.”

- “Just don’t piss them [the police] off. They are run by their own egos.”
- “My friend gave one a blow job before being arrested. She was never charged.”

When asked what the police had done that was helpful about two thirds of survey respondents said nothing or a variation of nothing. Other responses included:

- “When they arrested me they were very professional.”
- “Stay in their cars and off the streets.”
- “lol, nothing. Fuck the police.”
- “They did all the booking in the room and I was on my way in 30 minutes.”
- “Nothing – it was ridiculous and dangerous to speak with law enforcement.”

What did police do that was not helpful?

- “You mean besides arresting me and all the girls I worked with and charging us with organized crime?”
- “corruption, demanding bribes, cruel, sadistic, beating, frame ups, etc. the whole nightmare”
- “when they arrested me I lost my car and a lot of money. a different time I had to pay a cop not to get arrested, and a couple times I had to give them free services.”
- “arrested me.”
- “Put me in danger from the people they were supposedly trying to “rescue” me from. Created a situation where I had no access to housing or safety.”
- “Arrest me for marijuana that wasn’t mine. Yelled and treated me like dirt. Tried to accuse me of prostitution because there were young male friends in the group I was with.

We were just a group of people sitting around listening to music and 2 of them had weed. I wasn't charged with prostitution, luckily."

- "Roust me for no reason. 'Move Along, Move Along....' Street people got no right to assemble."
- "Arrested me for something I didn't do."
- "They lied to get the arrest and conviction."
- "arrest and harass me until I was forced from my home."
- "they were snide and made rude comments."
- "How do we open a dialogue with people that are afraid of us or think they know better than us what we need?"

One interview participant relayed the following experiences with arrests and stings:

P: I knew a couple ladies who went to go see a guy together who turned out to be a police officer. He gave one of the girls that was only 19 at the time alcohol. He also received oral sex from one of the ladies and then arrested her and said that he had seen her reviews online and wanted to see for himself what it was all about.

T: And did she get prosecuted? Do you know?

P: She got a prostitution charge. This was before they did the sex trafficking legislation . . . she actually went to jail.

T: For giving a cop a blow job?

P: Yes. Yes. And like I said did I talk about the one friend that I know... About having sex with a cop and then them downstairs?

T: Um, I don't think so.

P: Okay so I know another lady who went to see someone who was supposed to be a

customer who ended up being a police officer and they had sex to completion. He tried to make her take the money but she did not take the money. He told her he was going to arrest her and she informed him that he couldn't because they had not broken any law. He then proceeded to say "You're a very wise woman and I'm proud of you," proceeded to walk her downstairs where there's two other officers standing there waiting and he shook his head no at them.

A participant who had spent decades in the business all over the world related the following experiences:

Participant: I did witness, in the Westheimer districts of Houston that the police would, um, harass the women out there, the trans women, they would um try to catch them and arrest them. They were always being like these undercover, yanno, try to do this undercover shit with these rickety cars they get from impound and there's also a lot of corruption, this was in Houston, Houston Texas, and they, like, my friend Sharee who was genetic female she got picked up and handcuffed and she came to my house in handcuffs, I helped cut her out of handcuffs. (laughing). She got away from a policeman who was going – he threatened to throw her in the [river] if she didn't perform oral sex on him.

Tara: Uh huh.

P: So he just arrested her for, you know, because he wanted to have sex with her.

T: Mhmmm.

P: So yeah, the police have been adversarial, they've been very adversarial.

Tara: And have you had experiences or been aware of experiences like that in Alaska?

P: Uh, I have never had any problems with the police here but I do know that they go after women who are in the sex industry and they're constantly, you know, wasting resources on going after women who are in the sex industry.

**4.6.2.1 Limitations of the data.** Not all of the experiences related by participants in this section happened in Alaska, although many did. Many are a reflection of the practices of some Alaskan police officers. Overall they are a reflection of experiences that are common to people in the sex trade, experiences that they take with them when considering reporting a crime to the police.

**4.6.2.2 Discussion and analysis.** While over half of the participants had been arrested, only 27% of those who had been arrested were convicted of anything. Over half of those who had been arrested were not even charged. Does this low conviction rate for a misdemeanor crime justify alienating people in the sex trade and effectively denying them access to protection under the law? One wonders what positive purpose these arrests might serve.

**4.6.3 Participant recommendations for police.** Participants had advice for police officers:

- “Listen!”
- “keep the good cops get rid of the rapist cops and leave us alone”
- “That they should think carefully about when else you'd arrest someone you think is a victim.”
- “Stop arresting, raping, coercing, robbing, and threatening them. Take their reports seriously and think of them as experts in their industry and the abuses that might happen in it.”
- “better to have a group of people [sex workers working together] than alone”

- “Leave them alone? See and treat them as human beings? Don’t assume they’re guilty of something more or that they’re criminals at all.”
- “Since police are paid to serve and protect, I would like it if they would serve and protect. I’ve found their [sic] are some police that are Good People. I never knew that all the time that I was an outlaw because I had to run and hide from the police.”
- “Treat us like any other American citizen, and realize we have the right to feel safe.”
- “Allow up to independents to work together for safety.”
- “Whore monger police officers ought not be investigating sex trade workers.”
- “Honestly, deal with the rampant misogyny. Take females more seriously.”
- “Decriminalize indoor sex work.”
- “I have no idea.”
- “Nothing. Police don’t serve or protect anything.”
- “To go after the rings of illegal immigrant prostitution run by foreigners, the pedophiles, and the guys that prey on the underage. Independent escorts are not hurting anyone and it’s consenting adults. Grow up and get a clue that prostitutes exist to ward of adultery.”
- “Listen.”
- “Be kind.”
- “Honor labor”
- “stop hunting us and start protecting us.”
- “If its volunteering [voluntary] should be allied [allowed] to do so.”
- “leave us alone and if we need help don’t arrest us.”
- “Don’t arrest them. Connect them with meaningful services if they exist. Know your community.”

- “Fire that [one officer] in Anchorage and other cops who rape us. Stop arresting us and start taking our reports seriously. Stop having sex with kids in your stings.”
- “better [for sex workers] to be with others than alone so there is no abuse”
- “With current attitudes and laws, mostly just leave them alone. Laws need to be changed and police need to be seriously retrained.”
- “Get to know people involved in the sex trade as human beings, not criminals, not hapless victims. Listen to what people in the sex trade say. Stop assuming you know.”
- “To protect and serve them just as with anyone else.”
- “Go after the slave trade and leave the rest of the folks alone!!”
- “Stop working in law enforcement.”
- “Be aware of how sexist the space is. Assume the female or female presenting human is under a ton of pressure.”
- “help me when I ask. don’t try to ‘save me.’”
- “If they are of age leave them alone.”
- “Go after the pedophiles and men that prey on young women. Serial killers would also be a better place for them to spend their time.”
- “Include us in criminal activity [investigations]. We may be better equipped to find people who hurt our children and hold them accountable (cops).”
- “Well – it has to be decriminalized before law enforcement can “serve” the industry...”
- “I don’t think [police] can be “told,” they can only be subject to law.”

Interview participants also had recommendations for the police about how to better serve and protect people in Alaska’s sex trade:



Participant: I would say follow the Netherlands model and some make it safe and legal for those who are in the industry and outlaw the dangerous element of it which is pimping. Pimping is illegal in Amsterdam and in the Netherlands. And stop arresting the people who are involved in this. It's two consenting adults. But when you have an element, you know, of the pimping – you know you have a pimp who's forcing someone into doing this in taking their money that is where there's usury, that is where there's victimization.

Tara: What would you say that the differences are, or is there difference between a pimp and a reputable agency?

P: Yeah, there's a huge difference. Usually pimps get people hooked on drugs and they steal all their money and they beat them, and the reputable agencies they get you clients and they act as a go between, they don't beat anybody, they don't, you know, they don't victimize.

T: So legally what would be the difference between the two?

P: Legally one is a violent sociopath, and the other is a business.

Other participants explained:

- You know, it's like, if a woman comes to you and she's raped, treating her like a criminal is not gonna help her. It's not gonna help anybody catch this rapist. It doesn't matter if he rapes a prostitute or a fucking school teacher, you know, the crime is the same. They need to treat them like the victims that they are and not treat them like criminals.
- Well you should stop arresting people for prostitution in the first place. That's the main thing that has to happen. And you have to have some equal protection under

the law for people who work in the sex industry. I mean that they need to feel free to access all the laws, different types of laws, labor laws, you know, to be able to call the police and expect that they're not going to be extorted. Because you know you can be extorted by police officer, an active police officer, as easily as somebody who's not working in the police. so yeah, stopping the arrests of prostitutes and our customers, yeah.

- Stop pursuing us like hunted animals. Jesus Christ, what the hell am I doing that's so wrong? I'm not doing anything wrong. I basically am being a companion for the, especially up here, for a population of men that there's just not enough women for. If there were not paid sexual services in this area your men would be raping women to have a sexual outlet or they would have to share female partners, and nobody wants to share their female partners, you know. So it's either that, either have prostitution or have people raping people like crazy around here. It's really ridiculous there's way too many men to a few women. And in areas where it's not like that who cares? These are people's private sexual lives. Stop pursuing the criminalization of prostitution and then we can talk about other things, you know. If you stop pursuing the criminalization of prostitution that I can come to you when I'm raped, then I can come to you when I'm robbed, then you can pursue violent crimes. Not crimes that I'm doing, I don't bring violent crime. I'm not a drug user I actually am educated, I have a degree, I'm pursuing another degree. So all these stories about what prostitutes are and the way they are things that they do that they think are wrong always have to do something moralistic it has nothing to do the actual crime that is made up of prostitution.

The act of having sex with someone for money is no different than act of having sex with someone for a free date. It's still an exchange of goods. But that's that's okay but if I get paid that money for a date directly in cash, then that's an issue... What the hell else are you gonna do, there's like 20 men to every woman here! I'm sorry I'm gonna keep charging!

- We're human beings and we should expect to be treated like human beings and if somebody does something horrible to us we should be able to go to the police without worrying about repercussions and, um, yeah, we're human beings, treat us like them.
- I would tell them that they need to handle the case just as they would with anybody else. If somebody gets robbed, if somebody gets raped, if somebody gets threatened, those are serious charges and the person coming forward with it does not need to fear being arrested.
- First, if someone is truly in a bad situation there is an acute need to get a preliminary statement with the understanding that that person is probably emotionally volatile or exhausted or overwhelmed or physically not well; and that there will be a need not only for preliminary statement, but also secondary support statement a few days to a week after an incident happens to see if in a calm situation how the two statements align. There is need to get people to a place where they can be safely evaluated psychologically and physically and given proper nutrition to determine if they are okay and resources available to figure out if somebody can be released back into their own environment or if somehow they need to have a new environment created for them. And that's the problem

because what is law enforcement supposed to do? When somebody who's just been attacked in the sex industry - because by reporting it to the police and them being released back into the immediate environment – it's endangering everyone involved. Them, their peers. If they don't have resources to support themselves or to leave the area they are danger and a detriment everyone around them including themselves. So I don't know that's a challenging question that would have to be systemically broken down into all the different, like main problems for that area, the facets attached to those problems. What you would do if somebody is trying to get away from a pimp is really different from what you would do if somebody was attacked by a psychotic client. And how then also the police communicate a problem to the community as a whole, if the police need to have a community – let's say there's a serial killer on the loose. Police need to be able to communicate with people on the street. People on the street don't trust the police. Everybody is at risk now for more bad things happening. So it depends on what the bad thing is and how the area communicates - how the community communicates with each other in a given area to problem solve on those things. But dialogue is essential. If the people at street level whether that be in-house, or on the street, or law enforcement, or healthcare workers and advocacy groups don't all have a way of communicating with each other than when there is a crisis there is no way for a resolution. At least not a genuine resolution.

**4.6.4 Violence from police officers.** As noted above, participants consistently referenced police officers who are rapists or otherwise violent or abusive. Overall 26% of survey participants reported being sexually assaulted by police. Of those who had been victims of force,

manipulation, or coercion within the industry, 60% reported being sexually assaulted by an officer. In interviews, only those who met the federal definition of a sex trafficking victim had been assaulted by police officers. Of the four interview participants who met the federal definition of a sex trafficking victim, three had been sexually assaulted by police officers. For two of them, this occurred before they entered the industry. Another was physically assaulted by officers before entering the industry, and raped by a police officer after many years in the sex industry.

Survey participants, while they frequently referenced sexual assault by officers, did not provide much qualitative data. Altogether three interview participants shared the following nine anecdotes of police violence, and other related anecdotes (much of the time they referred to themselves as “a friend” or “someone they knew” to protect themselves from potential investigations – other times a friend was really a friend):

- “I myself have had them pose as customers and actually complete a sexual act with me and then try to arrest me however I didn’t touch the money so they couldn’t arrest me and, um... I felt raped after. Completely raped. So that’s... recently I had one emailing me was saying he was the police and I was going to be arrested if I didn’t give him money, he was attempting to extort me and unfortunately I’m scared to file a report with the police because there’s a chance of me being arrested.”
- “When I was a kid I was in a park with a friend of mine, yeah we were underage and drinking beer in the park which we shouldn’t have been doing, but they beat my friend into a coma.”
- “I ended up going to a girls home from 13 to 14 and we were bad kids and tried to escape. They ended up beating us up and throwing us in solitary confinement until our

bruises healed so then nobody could see that and nobody would believe us because we were bad kids.”

- “Okay so I know another lady who went to see someone who was supposed to be a customer who ended up being a police officer and they had sex to completion, he tried to make her take the money but she did not take the money. He told her he was going to arrest her and she informed him that he couldn’t because they had not broken any law. He then proceeded to say “You’re a very wise woman and I’m proud of you,” proceeded to walk her downstairs where there’s two other officers standing there waiting and he shook his head no at them.”
- “I definitely feel like I’ve had a lot of run-ins with, you know, cops that were, I wouldn’t call them good cops. I’d say. But I was never, like, assaulted. You know what I mean? I have friends that were. I don’t really like the police.”
- “[Police] chasing my Dad down when he was on a motorcycle, knocking him off his bike and jumping him, there were like eight of them.”
- “It was in the middle of the day I was walking, by the police, I was walking to catch a bus and the police, because I was in the area that I was in and I had a acid wash miniskirt on and a little tank top, they wanted to see whether or not I was, I was trans. And they ripped my underwear off, one of them put his hand up my skirt and ripped my underwear off, he slammed me down on the car, he injured me. Um, left me with some broken fingers, broken toes, fractured cheekbone. And they felt perfectly okay with this because there was no law to protect me from this kind of, uh, this kind of discrimination. You... I mean when you you deny a certain group of people protections or rights or say... you’re saying that it’s okay to abuse these people. I mean, you set a precedent, you know what

I'm saying? You set a precedent. I mean, there are plenty of people who hate black people but they would never act upon it because it is against the law to discriminate and it's against the law to harm them now. So therefore people who would harm them or discriminate against them keep that under wraps because they know there's laws against it and there's consequences. These officers didn't feel like there was any consequences to do that. They left me there in a 7 11 parking lot. I was bleeding, I had my skirt ripped. I basically looked like a rape victim or an assault victims and people were just mortified because they just saw a teenage girl get assaulted by police officer, by two police officers... and yeah, these guys didn't feel like there was any consequences."

- "[My friend], she got picked up and handcuffed and she came to my house in handcuffs, I helped cut her out of handcuffs. (laughing). She got away from a policeman who was going – he threatened to throw her in the [river] if she didn't perform oral sex on him... So he just arrested her for, you know, because he wanted to have sex with her."

Another participant related a story after the recorder had been turned off. A police officer had come to her home in Alaska to arrest her boyfriend. After handcuffing her boyfriend and taking him out to the car, the officer returned to her home and raped her. The same participant reported being coerced into sex by correctional officers as a youth.

Another participant related the following experience, which is troubling but does not include assault:

Participant: I have another friend who before she even got in the business she was living in [another state]. Walking down the street going to her grandma's house who lived on that side of town. A police officer pulls her over and asked her what she's doing and she said she is walking to her grandmother's house. He told her no that's not what you're

doing, I know what you're out here doing. He didn't catch her in anybody's car, talking to anybody. He put her in the back of the cop car threw her purse at her, took her down to the police station, never got out, said you are either going to jail or you're going to sign this saying that you're out here trying to do prostitution. So to avoid embarrassment of the whole family and going to jail she just signed it. She was 19, she didn't know any better.

T: Wow, and then did she later go into the business?

P: Yes.

T: Do you think that it was like because of that, or...?

P: She was already, she already had that stigma on her, so why not?

One participant concluded her stories of police violence by saying, "As we're talking more stories are, like, I'm starting to think about more things, but that's really all I have right now. That's enough. That's enough for a life time."

**4.6.5 Responses correlated with police violence.** Of the four interview participants who met the legal definition of a sex trafficking victim, three reported being assaulted by a police officer. The one who did not report being assaulted by an officer was the only one who had tried to report to law enforcement that she was a victim of sex trafficking. In the surveys, 93% of those who reported being sexually assaulted by a police officer also reported that they had been the victim or witness of a crime that they did not report to police.

None of the survey participants who reported being sexually assaulted by police officers had entered the industry working independently. Following entry, all went on to work independently. Both of the participants who reported being robbed or physically assaulted by police officers reported that they had criminal records that made it difficult for them to leave the



sex industry. Both had been the victim or witness of a crime they didn't report, and both had been arrested as adults.

When asked what the primary threat to people in Alaska's sex trade is, both of those who reported being robbed or physically assaulted by police and all but one of those who reported being sexually assaulted by police named the police as the primary threat to people in Alaska's sex trade.

**4.6.6 Analysis: Police violence.** While this is not enough data to draw strong conclusions about the relationship between police violence and abuse within the sex trade, the relationship seems very disturbing. Do people who have already been assaulted by police officers make good targets because people know they have been traumatized by police? Do intersecting oppressions that mark people as targets for abusers also make them targets to police who are abusers? How does being assaulted by those tasked with serving and protecting them affect a person's identity and relationship to society? More research is needed to understand these issues.

**4.6.7 Validity, reliability, and limitations.** This question was skipped by 17 participants, which reduces its quantitative reliability. However, reliability can be increased by comparison with similar research. Arrington et al. (2008) found that 17% of 104 Washington DC sex workers had been asked to provide sexual services to police officers to avoid arrest and 9% had been physically assaulted by police officers. Decker, Pearson, Illangasekare, Clark, and Sherman (2013) found that among 35 Baltimore sex workers, 6% reported being forced or coerced to have sex with police officers within the previous month. Torres & Paz (2012) found that among reports of violence by youth in the sex trade, 30% of the violence was from police.

These statistics lend some reliability to the 26% of participants who reported being sexually assaulted by police.

In Russia, Odinokova, Rusakova, Urada, Silverman, and Raj (2014) found a strong correlation between police sexual coercion and other sexual victimization. Although it is only one corroborating piece of research, this supports the relationship between police assault and abuse within the sex industry found in this research.

#### **4.7 Exiting the Industry**

In some states there are efforts aimed at helping or forcing people to leave the sex trade. These services most often follow arrest and range from yoga classes to religious indoctrination to case management. There are widespread critiques that these services often make things worse for the people they aim to help, that they do not offer meaningful or relevant help, and that a prostitution conviction can make it impossible to get a job that would enable someone to leave prostitution.

I asked survey and interview participants if there was anything that had prevented them from leaving the industry if they wanted to. About half commented that they hadn't wanted to leave or that there was nothing stopping them from leaving. Some cited financial challenges or marginalization that affected their ability to gain employment outside of the sex industry. None reported being forced to remain in the industry by a third party.

About a tenth of survey participants said that they couldn't leave the industry because criminal convictions or pending criminal charges prevented them from obtaining other employment. Ironically, these convictions included prostitution charges. One attorney who represents sex trafficking victims has said that criminal convictions can be compared to sex traffickers in that they leave people with few or no options outside of prostitution.

About twenty percent of survey participants answered that they could not get a job that would pay them enough to make leaving the industry feasible. One respondent asked, “How was ten dollars an hour going to pay for rent, bills, gas, groceries, childcare? Those are my issues.” Others wrote, “I cannot make enough money to survive with my education,” “no other jobs that make as much money,” and “the money would not be enough for the education that I have.” Prostitution has often been referred to as a survival strategy for people living in poverty (Grant, 2014) or a way for women to move out of poverty (McClintock, 1992). Some have referred to prostitution laws as the criminalization of poverty (Grant, 2014). One interview participant explained, “it would be more empowering to me if [prostitution] would only be by choice as opposed to socioeconomic need.”

About a tenth of survey participants cited a lack of work history. Two of the interview participants cited a lack of work history or documented income as primary risks of the industry. Without a work history it is difficult to get a job. Without pay stubs, it’s difficult to get a loan or rent a home. According to one participant, “you wind up having the biggest assholes in the world as the ones who will help you with housing and help you with things, and that only facilitates another problem which is its own kind of trafficking issue. Again, consensual.” The same participant explained,

One of the other problems that is a conundrum are taxes and actual declarable income. Now if you're coming out of the low income environment where you are in need of that additional income just to live on a balanced equilibrium with low income society because you're impoverished...being able to make that conversion from cash to declarable income because of tax issues is another big problem and that's where a lot of people get stuck

Three mentioned issues of socialization: “my friends and chosen family were all part of the club,” “not used to dealing with harassment and issues at normal jobs,” and “[I was] living as an Outlaw.”

The transgender woman who was interviewed went into detail about the discrimination she faced in obtaining and maintaining employment. The sex trade was, for her, a fall back career when she was fired due to discrimination. She explained that stigma makes transgender people as well as sex workers less likely to report when they are a victim of violence or discrimination, saying, “I just wanted it to go, to get swept under the rug. I didn’t want to make a big deal of it. So trans people are so much less likely to report violence against them and discrimination to the authorities.” Transgender people, she said, “always gravitate towards the sex industry in the US because they get ostracized from mainstream employment typically.”

These sometimes intersecting oppressions that make it difficult for some people to leave the sex trade also make them vulnerable to, and perhaps targets of, abuse within the sex trade.

Almost half of the survey participants responded that there was nothing preventing them from leaving the industry, or that they didn’t want to leave. They said things like, “I have always had other options, and have not yet left the industry,” “I took breaks when I wanted to, and dealt with having lower income for a few days or weeks or months. No big deal,” and “I never wanted to leave in a big rush anyway so this is a tricky question.”

When asked in a more general way what makes it difficult for people to leave the sex industry and what could be done to help people who wanted to leave the industry, survey participants said:

- “The money and the stigma.”

- “You have the money and your chosen family, if it weren’t for the law and stigma, 90% of the bus[iness] wouldn’t be an issue. It’d be like asking someone if it was hard to leave waitressing or truck driving. Yes it is, getting old is hard, but there’s no shame to it.”
- “business school? having a resume, work history, rental history, proof of income.”
- “Educate and help find job.”
- “housing and employment help.”
- “That’s kind of different for everyone, but a lot of sex workers are natural entrepreneurs, so it would be pretty cool to give them their own small business fund and training.”
- “Housing vouchers, employers prioritizing people trying to leave the industry.”
- “stay sober place safe and have job”
- “From my experience and most women I’ve known in the industry, the biggest obstacle to leaving the industry is self. The next would be discrimination against sex workers in the job market, housing, etc – so many former sex workers had to drum up elaborate stories about previous job history and references in order to get any job outside the industry. If you can’t get a job to replace your income, it’s very hard to transition.”
- “Once branded, it’s a bitch to get out and stay out. Criminalization creates barriers for people wanting to leave the life, prevents them from accessing jobs/housing/training etc that could change the dynamics that are driving their sex trade activities.”
- “You can make a liveable wage, and after yrs. in the industry you can’t put that on a resume. Take the stigmatization off the sex trade! After all it was the catholic church who opened the first brothel.”
- “1) minimum wage jobs paid a living wage. 2) make housing affordable, 3) anti discrimination policies so everyone can access them easily.”

- “The money is Rad. It’s hard to leave it behind. I have no clue about the second part, as I plan to suck cock for money until my face falls off or they quit paying.”
- “Giving people records in the criminal justice system exposes them to all sorts of discrimination for non-violent crime. Even an arrest can ruin someone’s life.”
- “Again some job searching and placement.”
- “I don’t leave cause of money. I choose to do this. Others aren’t so lucky.”
- “\$\$\$\$\$\$\$\$”
- “No job is going to pay me enough to support my family like this does. I will not be trafficked into slave wage labor.”

**4.7.1 Analysis and discussion.** While policy makers seem focused on rescuing people in Alaska’s sex trade from violence, not one participant reported being trapped in the sex trade by another person. In fact, all participants who entered the industry under abusive conditions reported going on to work independently. Similarly, Marcus, Horning, Curtis, Sanson & Thompson (2014) found in their examination of the relationship between minors in the sex trade and pimps that minors reported increasing agency the longer they were in the industry and left or changed pimps often. Agustin (2007), reported that among migrants legally defined as sex trafficking victims, “Even when migrants feel deceived, they usually complain of working conditions, not the fact that the work is sexual, and they often prefer to remain in the industry” (Agustin, 2007, Chapter 2, Section 8, para. 29).

Interventions aimed at “rescuing” people from the sex industry address neither the intersecting oppressions that some participants reported being trapped by (criminalization, migrant status, discrimination against transgender people, discrimination against sex workers) nor the very real economic realities that many people face.

#### 4.8 Sex Work: Empowering or Victimizing?

Those in the sex trade are often portrayed as passive victims in need of rescue or as empowered happy hookers who never have any problems. Participants described a much more complex, nuanced reality when asked if prostitution was inherently empowering or victimizing:

- “I think that whoever came up with that [idea that sex work is inherently victimizing] has their heads completely up their asses and has never stepped out into reality they certainly have never worked in this industry.”
- “That [prostitution is victimizing] maybe what people think, but it’s not the truth. Some can be, I mean you can feel your victim work in an office job really. If you're not doing what you love, if you’re not doing something that makes you fulfilled than you’re in the wrong profession, whether be teaching, nursing, or prostitution.”
- “No. No, I’m doing this totally of my own volition, you could ask anyone who knows me. I’m a victim of the legal system, but that’s about it, and society’s stupid ideas about female sexuality and roles. Definitely not a victim of, what, the clients? No. I love my clients.”
- “Um, at some point in time, sure [all prostitutes are victims]. You know life does that though. If you are a prostitute long enough you're going to be a victim of some kind of unpleasant scenario, even if that is just, you know, a minor version compared to another person’s. But, victims on the whole - there's plenty of situations where people can be defined as victims. It's what you make of your situation. If a person uses prostitution to finish college and then is able to move forward in life. Is that better than them sitting on public assistance not taking advantage of their full potential? A victim to what? A victim to violence? A victim to socioeconomic challenges, a victim to abuse, a victim – there’s

so many different things they could be a victim of. So maybe for five minutes here and there everyone's a victim."

- "I think [the idea that prostitution is inherently victimizing] is stupid. It's stupid and unrealistic and it doesn't reflect reality."
- "[The idea that prostitution is inherently victimizing] is retarded."
- "I think that, you know, working in construction can be empowering. Working in other jobs can be empowering. People who are looking for empowerment can find a whole bunch of different ways to do that, whether it's in their job or in their own personal life or in their own volunteer work and it's something that should be self-determined. You should be self-determined in deciding that, and prostitution can be included in that."
- "No, no that's ridiculous too. It's not... It's great for certain people, and it would be totally horrific for some, you know what I mean? It depends on your mentality."
- "I don't agree with [the idea that sex work is inherently empowering] either, I think that it just depends on what you get out of it. I think that you have to be a strong, emotionally strong person to handle it. I think you have to be a strong willed person to handle it. You can't be a weak person and be in this industry otherwise you will be a victim. I think that the money can empower a smart, intelligent, beautiful woman or handsome gorgeous man. They can rule the world but at the same time the weak minded women or weak minded man can end up being somebody's property, you know, and those people end up emotionally damaged by it. I mean, if having sex with a lot of people, you know, looking back and going holy shit I've fucked a thousand people, if that's going to damage you emotionally, if it's going to make you feel like you're a piece of garbage, than you should not be in this industry. So it depends on the individual."



- “I don’t think it’s all empowering. There’s certain people that can do this work that is empowering and there’s certain people that do work and burnout really quick, it just kind of lowers their self-esteem.”
- “I don’t agree with that either. I hate stripping. It depends on how you feel about it if it’s empowering to you and you’re happy with yourself at the end of the day, if you wake up in the morning, you look at yourself in the mirror and you’re like, god I feel great, I’m happy with what you did for work. If you’re not, if you’re waking up in the morning like, oh I feel like shit, I can’t believe I’m still doing this, I hate my life, that’s not empowering. But I wake up in the morning happy to be in Alaska working as a prostitute. I don’t wanna leave the state. The men don’t want me to leave either! Is all prostitution empowering? I don’t agree with that. I think stripping is terrible, but that’s me personally. Porn I find totally humiliating and I hate. The legal brothel definitely wasn’t empowering. I thought I would have to go to therapy after that, but Alaska helped me recover from a lot of the trauma that I experienced in those houses.”
- “I don’t think [prostitution and empowerment are] the same thing, I think it’s too broad. It would be more empowering to me if it would only be by choice as opposed to socioeconomic need, I’ll say that.”

**4.8.1 Analysis: Empowering or victimizing?** Social agents have identified problems in Alaska’s sex trade. One administrator of a religious program which targets people in the sex trade through the police explained, “There’s no little girls that lay in their bed at night and dream of the day they become a prostitute, so there’s something that happens prior to ending up in that place” (Glaser, 2015). Sergeant Kathy Lacey, the head of the Anchorage police department’s vice division, who oversees prostitution arrests in Anchorage, was quoted in a Truthout article:

“We should stop calling it prostitution, we should call it sexual exploitation. I think anytime a woman is selling her body for sex, it should be illegal. It’s very degrading and exploitive.” Lacy adds that the women she sees are pushed into selling sex by abuse or force... “They don’t just wake up at 21 one day and say, ‘I’m going to sell my body for sex.’ That just doesn’t happen... It’s not like she goes out on a date and she makes four hundred dollars, and she gives two hundred to him and she keeps two hundred. In most cases she gives everything to him (Flaherty, 2014)

These assertions by social agents who represent what Bourdieu called the Force of Law (1986) are very different from the realities and problems identified by the subjects of the conversation. Bourdieu (1986), referred to this phenomena when he said,

Law is the quintessential form of the symbolic power of naming that creates the things named, and creates social groups in particular. It confers upon the reality which arises from its classificatory operations the maximum permanence that any social entity has the power to confer upon another, the permanence which we attribute to objects (p. 888).

Agustin (2007) explained this specifically in relation to people in the sex trade in this quote:

The power to define problems, terms and solutions rests with social agents, who debate how to get Others to behave differently, even save them from themselves – the disadvantaged, unruly, victimized, unhappy, offensive, addicted. Feminists of all stripes are implicated in this assumption of Knowing Best and having a duty to find proper solutions. My critique, far from implying that there are no injustices or troubles to be solved, points to the constructed character of ‘social problems.’ As constructions, they can change. (Chapter 7, para. 15)

#### 4.9 Minors in the Sex Trade: Description and Recommendations

I asked survey and interview participants about why minors enter the sex trade and what could be done to prevent it.

One participant shared about how she wanted to be an escort at 16, but couldn't find a way into the industry until she was older:

Participant: Minors? You know, I was 18 when I started. I had the advantage of coming from... my family isn't horrible. My family's poor, really poor. But I came from a background with just strong women. So I'm not like one of these terribly messed up women that the people often stereotype that would be in the sex industry. I mean, I have a good head on my shoulders and everything. I knew I was going to be in the sex industry when I was like 16 or 17. I didn't do it. I couldn't find a way in. I was seeking it out.

Tara: Why?

P: Money. And also I enjoyed sex. I mean I hadn't started having sex until I was like 17 and a half, but once I did I was like okay, I like sex. I don't have a problem with being naked, and I kind of make a good companion for people, I should probably become an escort. I knew I would become an escort. I knew I was gonna become an escort when I was like 17. Young people who end up in the industry end up in it for all kinds of reasons, sometimes it's because they've been sexually abused and they've been taught that, sometimes they've been forced into it, but there are a lot of young people who are in the sex industry because there's money! Some old dude paid them to have money for sex and it's better than working at the Chik-Fil-A or whatever. So, I don't know if that's a problem. I think if someone... I think there should be outlets for people who definitely feel like they're having trouble and need help to get out of the sex industry and know that

someone's there is talk to, that there is a way out. But this rampant pursuit, "oh my god the poor children" - a 16-year-old girl is damn near grown! I dare you to try to stop most 16 year olds from doing something they really want to do, be it drinking, be it drugs, be it dropping out of school, be it any of that stuff! I can tell you from being a 16 year old girl who did a lot of that shit, I've never been pregnant or anything but I made all those mistakes that you can make. I wouldn't be surprised if there were tons of girls and guys in the sex industry. And sometimes there's people really trying to get away from something too. A lot of homosexual and trans people are in the sex industry because they can't go back home. They go back home and basically there's nowhere to go. Their family have locked door and changed the locks and now you're making them a criminal. So criminalizing child prostitutes is not better. Now if they're actually being pimped out and they want to tell you that I'm being pimped out, this person is forcing me to work as a prostitute I'm not happy with this at all. Yeah, that person that's pimping out a child and basically forcing them to be raped every day should definitely be put in jail for life. But beyond that, like everybody's uproar over human sexuality before 18 is ridiculous. Like, people are sexual at 14... earlier.

T: Yeah.

P: I'm not saying that's a good thing or bad thing but you can't really criminalize adolescent sexuality.

T: Yeah, that's a good way to put it.

P: Prostitution is a criminalization of a type of sexuality so by criminalizing adolescent sexuality that is paid for you're just making things worse, just stop it.

Other interview participants explained why they believed minors enter the sex industry:

- “I think that they’re pressured. I mean that’s kind of a biased opinion especially because I’ve been in the profession, but I’ve seen enough young girls come through or be advertised knowing that that girls like 18, 19 she is not doing that really of her own accord, more than likely. So, I mean...”
- “Because they don't have, they don't have any money. They don't have any money they don't have a place to live. Primarily it's probably the place to live is the main issue for minors. You know most minors can figure out how to dress themselves how to eat how to find some food, but the main issue here in Alaska is the housing. The warm safe housing where they're not going to be extorted for, you know, exploited for free sex, or have their money taken from them, you know.”
- “Lots of reasons probably, I don't know.”
- “Probably like really young girls, obviously, you know. Cause I know pimps. And I know them on, like, a personal level, some of them. And they do, like, they know what to say to... to manipulate you. And there are a lot of really young girls who might think “oh I really like this guy, you know, he's really cool, and he loves me” ... it's really sick, you know, what happens. They probably come from, you know, an abusive or single parent home with no father, it's all these things that they're vulnerable with anyways, you know? And then these guys exploit it for their own benefit, it's disgusting.”
- “I can't say that because everybody that I've known that has become an escort has done it on their own and was of legal age. So I don't know anything about that. I've literally never known one person was underage. Never one time.”

Here are responses from those who had been in the sex trade as minors:

- “Well, I wouldn't have wanted to be prevented, so I don't know how to answer that.”

- “Housing first shelters, youth directed outreach programs, more attention paid to familial abuse.”
- “It goes... it’s so in deep, you know? It’s like a cycle. People just need to start raising their sons better, guys need to stop leaving their daughters, you know, their kids to be raised by the moms. People need to have a higher respect for themselves and other people, you know. It’s not just this, it’s like the world needs to change the way that people treat each other?”
- “sex education [at] home [and] school”
- “I don’t think there’s one answer to [why minors enter the industry]. I think that young people are growing up a lot faster than adults give credit for especially now that we have social media, Internet, cell phones, and everyone has computers. SO what was a reality 20 years ago, everything is different now. I think that young people who are not coming from a bad household, cause we know that the dysfunctional or abusive household is one reason, or coming from a poor household where there’s not enough resources for everyone is another, but there’s also situations where kids are sometimes curious about things and they don’t necessarily understand the consequences of actions. Even if they can rationalize something that is good or bad, they might not understand consequences. The older I get the more that I speak to younger people, the more that is one of the biggest realities that I see. So when it’s not because people have either been pimped out as a young person or they’ve runaway or been kicked out of their hoes which are their own issues, I think that there is a huge problem that people are easily able to speak with other people online, share imagery online, they’re exposed to things where they build up a maturity, a kind of visual resilience to things without actually having experiential

context of what that means or what the consequences are. And people like to have love and attention and be in the spotlight and sometimes if they're not getting that in their own environment then they can be easily led astray by people who know how to manipulate that.”

- “Making sure they have structured safe supportive home and school life. – not sure.”
- “I think that kids in foster care are very vulnerable. They don't have anyone. Along comes the predatory pimp, or pimp boyfriend and shows them a little bit of love and affection and can talk them into anything.”
- “Runaways. I really worry about people, kids who turn 18 and exit the foster care system because there are literally no supports and it is one of Alaska's greatest sins that we just turn them loose and say, ‘okay, our obligation to you is done.’ We haven't prepared them, we just turn them loose and they have nothing. A lot of times they have no skills, they have no one to fall back on. So.”
- “Secure shelters with vocational training and counseling available. We have a huge population of minors these days that the parents were idiots and failed to give their kids a fair shake in life.”

Other participants said:

- “Better education and opportunities.”
- “shelters where they don't call their parents”
- “Informing of the consequences.”
- “better shelters and foster care.”
- “Give them some money and a safe place to live, that's not with their parents if their parents are a threat.”

- “Provide better services for homeless minors. Don’t treat them like criminals. Don’t try to force them to go back “home” – runaways usually run away for a reason.”
- “Stop glamourizing sexuality, teach young people they are more valuable than money. Good prenatal nutrition is where I’d start, followed closely by strong connections with happy productive people for mums and kiddos.”
- “Education.”
- “Well, you would provide housing on demand, you know, unequivocal housing on-demand that doesn't have, you know, a bunch of strings attached to it. You know if you want minors you know to have housing you have to have people that are not putting down all their own morality and what minors are involved in or not involved in, you know you need people staffing housing facilities that are supportive and helpful and not becoming the barriers upon which the minors are going to find the situations unattractive and not participate in them.”
- “Better Paying jobs!!!”
- “Have a housing first policy without strings attached and basic financial support, access to food stamps, education.”
- “Jobs, food, shelter.”
- “Teachers and parents who care.”
- “Have proper shelters. They left home for a reason.”
- “Better parenting and education for kids. Teaching young girls that you need to be of age and mentally mature in order to do this kind of work.”
- Maybe a safety net. If there was... I’ve seen the ads on back page - if you or someone else you know is being abused call the helpline – well, that’s not really going to work.



But, you know, if they knew that they were able to go somewhere safe without questions asked. I know covenant house just built a bigger place but I don't know how to get into those places. Maybe if there was more knowledge - like this is what you can expect if you want to get out of here call these numbers and this is the process that you're gonna go through and it's going to be easy and we're not gonna look at you different because you were a prostitute.

One participant shared the following story of a situation she had heard of involving a minor in the industry:

I do know of really good friend, a client that lives up north, and he shared with me that he had seen a girl once and when he called to book the appointment he was told that some guy was going to be in the room, and he was like, "I'm going to cancel" and she was like "okay, he's gonna be leaving the room right now." So as soon as he went up there and the guy was leaving the room she broke down and said "help me, I need help getting out of here, he won't let me go." He did, he bought her a round trip ticket or not round-trip, um, a one-way ticket to wherever she came from and helped her, he snuck her out of the hotel. I mean, that happens, there's some really great clients out there."

**4.9.1 Limitations of the data: Minors.** It is unknown whether or which of these responses are based on significant exposure to minors in the industry or not. Interview participants who had entered the industry as minors had done so decades ago in other states, and described other minors as being different from, and in different situations than, them. Participants who had not entered the industry as minors seemed more likely to describe realities for minors that reflected the experiences related to me by participants who had entered the industry as minors.

#### 4.10 Risks in Alaska's Sex Trade

What are the risks in Alaska's sex trade? Who is at risk and what are they at risk of?

People who met the federal definition of a sex trafficking victim offered the following explanations of who is at risk of being forced, frauded, or coerced into prostitution for another person's profit, or just at risk:

- "The helpless and disenfranchised, just like everything else, sex no different"
- "People with no support system and/or people who are marginalized due to homelessness, drug use, etc. People who are already afraid of the police."
- "ladies [with] pussy tits"
- "addicts"
- "Anyone who can't work within a healthy holistic environment has the potential to be a victim doesn't matter if they're a homeless teenager, a single mother, a college student, a retired sex worker going back to her trade after having been married for a run, a divorcee, a widow. If there is not a safe, healthy, somewhat legal place to work any person is equally as able to become a victim of something bad happening as a result of working in a situation where they could either be arrested, manipulated by people who understand laws better but then they do, or risk having a healthcare crisis as a result of not understanding how to use proper safety and hygiene standards. Each and any person can be a victim to a bad situation without proper support system."

People who met the federal definition of a trafficking victim explained that the risks police and policy makers should be concerned about to people in Alaska's sex trade are:

- "Crimes of violence, theft, fraud, real crimes."
- "Being arrested or being coerced and threatened by law enforcement."

- “safety and being alive”
- “Over zealous task forces and missionaries.”
- “cops who abuse their position of power”
- “arrest, rapist cops, bad customers. just screen.” [Screening is the practice of checking a potential client out for safety before agreeing to meet them.]
- “So many at this point you know. We can’t, we’re not supposed to get together, we’re not supposed to talk about how to keep each other safe, we’re not supposed to share spaces, we’re not supposed to you know help with references or anything like that because we’re worried about being arrested. So... and then not only that but people know that they can harm you and get away with it because you can't go to the police because you'll be arrested right with them. So you'll be victimized twice.”
- “You can't really be honest on applications for loans or anything. Mainly, I mean, there is risk when you go to an outcall and what there's guys hiding closet. You can't just finally make it out of there and call the police and say I was raped without questions, “Oh, well she’s a prostitute” and then your labeled, may be charged, and those guys aren’t.”

One interview participant had quite a lot to say on this topic, and some discussion ensued:

Participant: Oh gosh. Traveling 5000 miles from where you live to sell sex. Um, what if I get sick where will I go? Like if I get attacked what do I do? What if people are inquiring about where my money is coming from, and I get... I could be extorted or there's all kinds of things. Will I be able to figure out a safe place for my money, should I just go and like wire money home should I put it in a bank account? How can I pay the bills? Cause the whole point of being here is to work and to pay things, and I don't

wanna walk around with just a stack of money. And let's just say that I was not as aware of policy as I am you know if I was to go to the airport and I had more than \$500 cash in my pocket then I could be pulled out of the regular line of people to be questioned as to what my business was. You can't go through an airport.

It's not just law enforcement or being a target. It's just that you can't call law enforcement for problems if you have problems. If you are sick it's not like you can just go to the doctor or the emergency room. If you get beat up, if something does happen, you just have to be really careful and aware because if you're traveling invisibly somewhere and you're working under the radar then you cannot put yourself in situations that are going to have a lot of questions going along with them. At least that was the way that I was always trained to view traveling situations.

Tara: What could be done to prevent those things from happening or being risks in Alaska's sex industry?

P: Yeah, when you're travelling... I'm not indigenous to the area, but I am friendly with people who are, and traveling in to work with them, I feel safe with them and with people they know. If something outside of all that happened, whether it be from a health perspective, a criminal perspective, there's numerous scenarios that could be included in that, then not being able to communicate honestly, or without fear of some kind of penalty creates other problems.

T: So what would prevent that?

P: If consensual prostitution amongst adults who are mutually in agreement of wanting to engage in a situation was decriminalized. I think, you know, either a private in-house situation or an outcall situation or combination of, but if consensual adult to adult

prostitution was decriminalized then right there, there would be a platform for feeling more secure, with an ability to communicate if you see bad things happening to other people, or if you have a bad experience yourself, whether that be with a client who is violent or aberrated or just really creepy or a house that is not acting ethically. You are more inclined to also if you are in a decriminalized situation and there is a healthcare clinic that will see people who are in the sex industry just as there are GLBT specific healthcare clinics that have a grant structure to be able to allow people to receive services, treatment, testing treatment, and counsel for behavior related to homosexual relations. If there were something like that for sex workers where you could be honest about whether or not you use condoms for oral sex, vaginal sex, anal sex and wanted to have testing done for STI's HIV, or if you're feeling burnt out and you needed to have just acute counsel or you know, kind of a grounding session so to speak to prevent volatile situations where often people reach out for drugs and alcohol if they don't have people who can help soothe and ground them. If you have places to go where you can communicate honestly without being punished for that, sometimes that [sic] can prevent an escalation of volatile and negative situations right there. And also that way you can track healthcare issues in an area. But decriminalization in my mind is definitely starting point for that. The other thing is that that way - there are people who are minors or who are obviously not mentally or physically competent to be working, that those agencies that are support systems to the industry can help get those people out of work situations and get the resources they need. If somebody is obviously bipolar or they are suffering from a drug problem or they're homeless and malnourished and they really shouldn't be working. If you can refer them to places that can help them get some of the resources

they need to help get them out of the work environment. That way workers don't have to - actual sex workers don't have to work with people who are not necessarily meant or able to be working.

T: Do you have any experience with how people get out of bad situations?

P: Again I'm going to say, that's why decriminalization would be a really solid platform because I don't think the private citizen should do vigilante work with things that can be beyond their understanding or ability to control.

Other participants explained who is at risk in the sex industry:

- “Juveniles. Poor women.”
- “Teenagers.”
- “young women who don't know better”
- “Illegal immigrants or minors. But I would say often these “high risk” people are choosing to engage in prostitution, whether for survival or their own profit.”
- “People who have no money, no options, no job skills, who are addicted to drugs, attracted to the Criminal Underground lifestyle, who have been shamed or ignored and want to feel better about themselves.”
- “Children who have grown up in abusive homes.”
- “Anyone is at risk if someone has bad intentions. It could be for unrelated reasons.”
- “this issue isn't being forced frauded or coerced into providing sex for money, the issue is sex trade workers being targets for crimes of rape, robbery, theft, coercion, extortion, battery, assault and discrimination because of the criminalization of prostitution.”
- “People without homes or families to rely on when they are unable to provide for themselves.”

- “Poor Children and Immigrants”
- “Run away kids.”
- “Naïve avian dined [?] girls with nowhere to go.”
- “Impressionable young girls.”
- “Young women.”
- “Sex workers at the hands of violent clients and cops.”
- “Well everybody who is criminalized is at risk for becoming a victim because you don't have access to equal protection under the law. You don't have access to negotiate for your own labor and your own safe work conditions because of the criminalization of prostitution.”
- “Streetwalkers. I mean honestly, I did it for a little bit when I was younger but I would never do that again. It was during a time where I just didn't know any better. I guess. I don't know. I have no idea why I did that. I'm smarter than that. And like.. I wasn't a drug user, there was no good reason for me to have been a street walker, but I did it, so. Street walkers are just out there, like sitting ducks. For the cops, for the pimps who don't want them out there 'cause they're not on their team, for the crazy John that just wants to beat you, rob you, whatever. For drug addicts who want someone to rob, cause they're carrying cash. I mean, god, they're like at the bottom of the food chain in terms of a street urchin-i-ness, to tell you the truth. In terms of like are there more things to do to protect them, I mean goddammit girl, there's the Internet! Get a smart phone! Put up an ad. I don't know what to tell you to do. To be real, I really don't think that people should be walking the streets. When people ask me a lot of things about decriminalizing prostitution, I think prostitution, the decriminalization movement would be better to

distance themselves from streetwalkers because there are so many more indoor girls who are middle class whose lives are being disrupted and the streetwalkers are gonna be streetwalkers and on drugs no matter what. Plus it's kind of a nasty little thing, they're throwing condoms everywhere, needles everywhere. I hate to sound like one of these really judgmental people, 'cause I'm not. But there is a reality in terms of like keeping a city nice and clean and everything, keeping things private and discrete. You know it would be easier in a country that doesn't have so much hang ups about peoples sexuality and drug use and everything else to distance ourselves from streetwalkers.”

Other participants on what those risks are:

- “Violence.”
- “Cops who abuse their positions of power.”
- “Those that are being forced to do it.”
- “Police violence, domestic abuse, discrimination, lack of access to health care.”
- “Being arrested or being coerced and threatened by law enforcement.”
- “Sexual, physical, and other abuses against people who know that sex workers rarely report crimes against them.”
- “Rape, robbery, murder, extortion of prostitutes by customers, police, and strangers who know they are prostitutes and thus not under equal protection of the law.”
- “People feel like they can do anything to a sex worker because the likelihood of them coming forward is slim to none.”
- “same issues that any other business deals with that the public should be concerned with!!!”



- “sex industry folks must have access to report crimes when victims or witnesses without the threat of being arrested as sex traffickers.”
- “Law enforcement is what I’m most concerned with. I’d rather get ripped off than be caught in a sting and gang raped by the cops. Maybe they could work on not being seen as direct threats to the safety, dignity, and well-being of workers, and then we might call them to help us when we need help.... But arresting whores after using our time is something that, of course, destroys our faith in their system.”
- “People raping and attacking sex workers because they know we don’t feel comfortable going to the police. also, law enforcement is my number 1 biggest fear, because I follow safety protocols that under that definition is “trafficking.””
- “The killers.”
- “Drugs.”
- “The risks vary. Police should just treat the victims of assault and rape with compassion and respect instead of like deserving criminals just dealing with the less glamorous side of their career choice.”
- “There’s a multitude of bad things that can happen to you. All the usual stuff. Obviously, it’s like, you have to get really personal with someone really fast, and you don’t know all the time if they’re safe or not. I’ve never had a bad experience with anything, really. I’ve been so lucky. And I think a lot of people get into this business and they’re just thinking about the money they could make and they’re not really prepared or they’re too young, or they’re not mentally prepared for it, or maybe they would never be. They’re just too young and they just won’t ever be, you know, a lot of

people are really susceptible to what other people think. I think you need to be a special kind of person that really loves this job.”

- “there are many ppl involved in having consensual adult sex. It is none of the police’s business to bother private citizens that are not hurting anyone.”
- “Serial killers.”
- “Over zealous task forces and missionaries.”

Another participant felt that women under the age of 23 shouldn’t be in the sex industry, and a conversation about abusers ensued:

Tara: Mhmm. Who do you think is most at risk of becoming a victim?

Participant: Girls under 23.

T: That seems like a really particular number.

P: I wouldn't feel comfortable working when I was that young. I wouldn't feel comfortable working when I was 25. Girls from smaller town girls with drug addiction.

T: So most of those are because they lack life experience?

P: I believe that they lack life experience and they're more prone to get with a guy.

There's lots of guys out there that, “oh, you can make some money, here we got this,” and then they start working them. I don't think that they can make viable choices for themselves knowing fully what they're getting themselves into. I didn't have the emotional capacity at that age. I'd been on my own since 16 and I still didn't have that emotional capacity even when I was 25 because it is a fine line, you have to have really good boundaries and know you are the type of person to open yourself up to this kind of work.

T: Do you think there's anything that could be done to prevent those situations where guys get a girl working for them?

P: Oh yeah, I mean in a perfect world, my perfect world, this would be legal and then when there was somebody that was working that felt like they were being mistreated or the guys taking all the money they would actually be able to reach out and get out of that situation without being labeled as a prostitute or labeled as a lost cause or drug addict or someone who's just screwed up in the head.

T: What would be the best law enforcement response when things like that happen?

P: When girls need to get out?

T: Yeah.

P: I know right now that nobody, no girl, would just call the police, "help me I need to get out," if they're being mistreated, raped, which happens. It'd be really nice to be able to go to the women's shelter if they're from out of town and they don't have anywhere to go with them and their kids or something because people get stuck in this profession and don't have a way out. I don't know if you can go to the [local] shelter and say "I'm a prostitute, I just want help, I want to get out of business," will they let somebody in?

**4.10.1 Recommendations to prevent force, fraud, and coercion in Alaska's sex industry.** Force, fraud, or coercion in the harbor, transport, or recruitment of a person for a commercial sex act is sex trafficking under federal law. Participants' recommendations to prevent people being forced, frauded, or coerced into prostitution for another person's profit are:

- "Arresting real traffickers and not spending so much time busting escort services and massage parlors."
- "end hypocrisy. Emancipate minors who want to, easily."

- “less judgment, more help”
- “Counsel to those that are vulnerable.”
- “If the bad guys went to jail instead of the victim.”
- “Give them some money and a safe place to live.”
- “Allow people to report and access protection without being arrested.”
- “women working together. take a man out hunting.”
- “I mean, a lot of it you can’t really prevent, you know? A lot of it is... there’s not, you know. There’s gonna be risk, always. But, um, as long as you like screen clients and stuff, you know what I mean? I’ve never had a bad experience. You just gotta use your intuition too. You just gotta really feel it out and trust your gut on things.”
- “Rework the laws and enforcement to target the PREDATORS rather than the victims. Makes it easier for victims to find help. Retrain law enforcement to NOT arrest or mistreat someone trying to report a crime, no matter the crime.”
- “Pretty much have to start all over from scratch on that one. Access to education, safe housing, and equal protection under the law would be a good place to start, eh?”
- “Make people feel that they are actually safe to go to the police and tell them without fear of repercussions such as being arrested themselves.”
- “If someone has bad intentions and an opportunity, maybe not a lot.”
- “If people didn’t have to work at all or unionize all work forces.”
- “Uhm.... Socialism....”
- “Actually arrest people who force people to do sex work and not people working together and doing it by choice.”
- “I don’t know. Have better shelters. With job search.”

- “Have better options for people looking to get into the industry.”
- “Give them alternatives.”
- “Talk to the sex workers, we have children too.”
- “It would be nice for the police not to victimize people that are victimized themselves and just because we’re in this business doesn’t mean that we’re victims. I see myself maybe only made as a victim maybe only if somebody was to do something to me and then as a taxpaying individual, because I pay my taxes, that the police don’t do anything about it, then I’m a victim on both ends.”
- “It doesn't seem that they’re very open, or willing to help sex workers... wow, that’s a good question. Well first of all they need to overturn this [sex trafficking] law.”
- “Well they should be able to call the police and make reports of crime without the threat of being arrested for prostitution or you know being lied to by police officers about the risks of this industry. Because the risks of this industry are the fact that it's criminalized, that's the main, that's what causes the main harm, the main risk, it sets up the main system of exploitation is the criminalization.”

**4.10.2 Discussion and analysis.** Some of the answers in this and later sections reflect a disdain for those who work on the street or “allow” themselves to be victimized. This hostility mirrors the dominant cultures stigmatization of all people in the sex trade. Goffman (1963) noted that this was a typical strategy in the management of what he called “spoiled identities.” Within sex worker culture, these attitudes are called internalized whorephobia. Sex workers like Belle Knox are calling out what they call the whorearchy and tearing it down from the inside. In an article for Jezebel, Knox (2014) defined the whorearchy as:

arranged according to intimacy of contact with clients and police. The closer to both you are, the closer you are to the bottom. That puts "outdoor" workers, ie street-walking prostitutes, at the foundation. They are disdained by "indoor" prostitutes, who find clients online or via other third parties. They are disdained by the strippers and escorts who perform sex acts for clients, who are disdained by those who don't. At the top sit sex workers who have no direct contact with cops or clients, such as cam girls and phone-sex operators (p. 1).

Knox (2014) goes on to say that the whorearchy:

serves to perpetuate the myths necessary to maintain a misogynistic society. It makes us distrustful and keeps us fighting each other instead of fighting for each other. And it keeps us living in a world where sex workers are socially and institutionally marginalized and discriminated against. It robs us of support from the very industry that we are hated for engaging in (p. 1).

As noted in the previous section, the risks and prevention identified by those in the industry are quite a bit different from the risks that are targeted by current policy. Many of the risks identified by those in the sex trade seem to be caused by current policy.

#### **4.11 Sex Trafficking: Definition and Prevalence**

I asked participants if they thought of themselves as victims of sex trafficking. All responded no, except for one who said, "Not at this time," and another who said, "Sure! It's incredibly broad! It probably shouldn't be a crime, since the parts that are wrong (assault, false imprisonment, kidnapping, rape) are already illegal as far as I know!"

I had a rather lengthy conversation with one participant when I stubbornly tried to convince her that she had been a victim of sex trafficking, or at least met the federal legal definition:

Tara: Would you call yourself a sex trafficking victim at any point in time?

P: No, because I don't believe that the vernacular defines any of the - things that can potentially be defined as crimes are not correctly defined within the vernacular of the present sex trafficking definition.

T: Right. Did you at any point meet the legal definition of a sex trafficking victim?

Force, fraud, coercion, or under 18?

P: No.

The participant then related a long story that included trying to report to the FBI that she had been a victim of force, imprisonment, and fraud within the sex industry. The story appears in full on page 67.

T: I think that does meet the actual the definition of trafficking, because it's defrauding people, lying to people about the conditions.

P: No, because they believe that their conditions are valid.

T: But it's misrepresenting, you know. Even you with farm labor - like if you trick somebody, you know, tell somebody that they're going to be paid one amount and then you pay them a different amount and they can't get away, then it's trafficking.

P: If you want to believe that. At that point in time the FBI just believed that it was me wanting for them to try to cash my check for me.

How would participants define sex trafficking?

- “Being forced to have sex for money and having to turn the money over to somebody else.”
- “bullshit propaganda, a phrase to frighten the horses”
- “sexual slavery”
- “Someone being forced to have sex by Someone [sic] else for money.”
- “doing something to someone else not [to] yourself lol”
- “the movement of persons to profit off their sexual labor”
- “Being forced or coerced to work when you don’t want to.”
- “drinking and a place to stay warm”
- “Coercing or forcing someone else to engage in some type of sex work, for one’s own benefit, whether financial or otherwise.”
- “In my head it is forcing people to be prostitutes and then preventing them from benefiting from their labor.”
- “When a person is coerced or forced to do sexual acts for money.”
- “It should not be an issue unless forced!! And if forced than it’s a slave trade and a whole nother issue.”
- “It’s a stupid term”
- “It’s a term that the man came up with to arrest whores, under the guise of saving children. But in ideal definition, it’s what coercing or forcing someone to do sex work means.”
- “being forced or coerced into participating in sex work”
- “Consent between 2 adults.”
- “Exploiting someone by force to gain personal profit.”



- “Either forcing or coercing a woman to commit prostitution and then having monetary gain from their sexual act. Procuring the services of a woman across state lines for the purposes of her committing acts of prostitution.”
- “Cops fucking us for free.”
- “Someone kidnapped and forced.”
- “Forced labor – or Consensual labor rife with neglect, exploitation, or lack of payment for services rendered.”
- “I can’t answer that because I still don’t fully understand what a sex trafficking victim is with respect to the new vernacular. To clarify that since this is a recording that will be transcribed - my point of reference all of this began the Korean comfort women and to me like that is a very clear example of sex trafficking. women being brought to other countries to be a combination of you know maid and sex slave that is sex trafficking. so though I understand that there are times when sex work is not consensual and work is coerced I still don’t clearly see the difference in consensual prostitution to sex trafficking. I don’t understand where the line is. it seemed everything sex trafficking now. So I don’t know how you would tell the difference because the laws are not clearly defining that.”
- “To me prostitution is consensual erotic services that can be defined anywhere from massage to escorting to BDSM or pornography. But prostitution is a consensual amongst adults. It is a negotiated understanding of time and action to dollar amount so that mutual expectations are satisfied. Trafficking - people in my view are either forced or coerced to work with the terms not being clear with the financial aspects not being fairly negotiated or implemented and their needs whether that be healthcare or food not met within the construct of the transaction. and sometimes trafficking can be agreed to because people

don't feel they have other options so it's not always, like sometimes people agree to things that are beyond their understanding but basically when you start taking a clear parameter of time, place, service offered, you don't offer people clean hygienic places to eat, bathe, sleep, and understand what they're in for, with who they're in for.”

- “Minors could be manipulated into sex work without being necessarily trafficked that could just be incest or molestation. You know what I mean? It’s its own crime. It’s its own grey area. The other problem is you know there's a difference between a child and teenager like, a child, a tween, a teenager. If you are talking about someone seven as opposed to someone who is 17 we’re having a different discussion there. That's not necessarily clear. The bottom line is issues pertaining to children should be its own task force. Issues pertaining to homeless teenagers should be its own task force. Issues pertaining to emancipated teenagers who are considered in every other way to be legal adults that is a dialogue that at some point I think really needs to be addressed because there is a growing factor of 16, 17, 18, and 19-year-olds who are legal independents who can work and pay taxes and live on their own and can be you know sent to war, but they still cannot make the decision to have sex as they choose. That's something that probably it’ll be a little bit longer in time before people felt comfortable having dialogue about it, but you know. It's a reality of where things are. So it's hard to answer that but it shouldn't be one generic term and law enforcement having to work with it in those terms.”
- “I think that, I think that if you are forcing somebody to commit sex acts for money and you’re actually forcing them. I think that's what should be. I don't think it should be somebody who is an adult deciding that they want to be a sex worker. I don't understand the correlation there.”

- “The oldest profession in the world is prostitution and sex trafficking to me is such a vile term, because that’s just sadness, I mean when someone’s being forced to do something that they don’t want to do against their will, that’s just horrible and I would definitely help somebody get out of that situation even if it put me at risk just because we’re human and I wouldn’t wanna see someone treated like that. But, you know I think there’s a big difference between doing it because you want to and doing it because you’re forced to.

I asked most interview participants about ambiguous situations: what if someone was a consensual adult sex worker and then the agency they were working for started to coerce them? What if a partner or an ex were extorting them and forcing them to go on calls they wouldn’t have otherwise?

- “It’s a fine line. He’s an ex-husband, go get a restraining order. Let him prove what he’s saying. I’ve had similar situations like that, I took it to court. I pulled my ads off. I mean the way that I got into the business is completely different than a lot of other women. It was kinda similar to that. I left him.”
- “No. That’s messed up but I don’t see how that would be sex trafficking. I mean it would be really messed up, you shouldn’t treat another human being like that but I don’t think that it’s sex trafficking.”
- “You know agencies can also be bought and sold so that you don’t necessarily know if the people who you began working for are the people you’re still working for. Terms change. Again if there is a point of decriminalization where agencies were run as a visible entity or legal entity you know like in New York City, legal agencies, where you have to present your ID and agencies have to present their information and you’re on a contract. It doesn’t entirely prevent the possibility of bad things happening, but if you

have some kind of contractual agreements or if there is more of a community understanding of an oral or verbal agreement. Even if something is still in kind of a gray area but you know you know that it if you are done wrong that you have other people with whom you can speak and ways of at least bowing out of work. You know, if you can leave, and the only thing it costs you is a few pennies on the dollar, that's not trafficking. You know if your money is held can't leave, then there's no written agreement the terms were and it isn't exactly clear what you're doing there, then yeah, there's definitely room for problems to happen.”

- “When it's not by choice of the individual. An individual should come forward to you. Just as if, there are some like places in the southwest, they're like, cutting up chickens and stuff. Right, some of these big places. And they kidnap people from like Mexico and Central America and crap. They literally just kidnap them and enslave them and bring them up here to like pick tomatoes or whatever, horrible jobs. And that's the same thing is taking someone and enslaving them into prostitution. You don't take someone and force them to do anything that's not by their choice. That's slavery. That's illegal. You don't do it... But if I wake up in morning and I make my breakfast and I make myself a beautiful breakfast every morning, I make myself a beautiful paleo Diet breakfasts I have a mineral sparkling water and take my phone calls and my emails, and I set up a few appointments with some gentleman that I enjoy spending time with, and they pay me for that time, those two should not be considered the same thing. At all. It needs to stop.”
- “Well I mean we don't talk about labor trafficking in terms of, you know, construction trafficking. We don't talk about trafficking or exploitation in industries specific to those

industries and so singling out, you know, the sex trade when we're already being exploited by the criminalization laws is an unfair business practices actually is what it is. They need to remove, um they need to remove all the sex trafficking laws specifically and they need to instead strengthen labor laws and make them actually enforceable because most of the labor laws on the book are not enforceable. Well the only way that they're actually enforceable is if you go and have the means to hire your own private attorney to seek damages so... that's not a fair equitable way to prevent. Laws have to be built around prevention not around prosecution of crimes that already happen after the fact, that's totally useless."

- "Prostitution is, when two consenting people trade, you know, money or things for sexual, you know. That's, it's consensual, you know. Trafficking really is people being forced. Whether they're being brainwashed and forced or physically, you know, it's the same thing, it's brainwashing. But really, it's like, if someone's dumb enough to be manipulated like that, it's a very... it's like, it's not the most caring thing in the world for me to say, but people gotta smarten up a little bit and not let themselves be taken advantage of, and take some accountability for themselves, you know, because not everyone's a victim, you know?"

I had a lengthy clarifying conversation with one participant:

Participant: Prostitution is somebody, is a transaction between two consenting adults and in a perfect world about 30% of it would go towards taxes and health care and neither person would be under threat of prosecution in any way shape or form or public humiliation through exposure wherever. There should be no predatory oversight, do you know what I mean by that? No threat of predatory, like, 'I'm gonna have to give all my

money to this person' or 'I'm gonna have to give my money to the club,' you know nothing like that, you know nothing more than a small fee for arranging a meeting if it was done through a service. Sex trafficking is when you are brought from another country with promise of a better life and you work in a massage parlor and you get no money. Even if you're brought over here to work in a massage parlor and you know about it, you should get your money and then we change things a bit. There should be no usury involved and nothing should be against anybody's will. Sex trafficking is... you know, it's extreme cases like that where you're kidnapped and sold, literally sold to, you know, it's the Sultan of Brunei, you know, for a fee or some Saudi Sheik, you know, which does happen. That to me is sex trafficking.

Tara: So it involves this component of travel.

P: Yet it involves against your will, literally against your will, it involves kidnapping... kidnapping, coercion, drugs, threats of any sort... things without your consent.

T: So what if you were, for example, a prostitute who was working willingly and then your ex-boyfriend, maybe the father of your child started taking 80% of your money and threatening you that if you didn't keep working and giving him a certain amount of money every night he would call the cops on you for being a prostitute and take your kid, is that sex trafficking?

P: He's sex trafficking, not you.

T: Right, but so, that would be sex trafficking even though there is no international travel?

P: He's pimping. He's pimping, so there's a predatory component and it's no longer a consensual thing so that would be sex trafficking for the most part.

T: Is there like a percentage of take that makes, that's the difference between a predatory situation and a reputable agency?

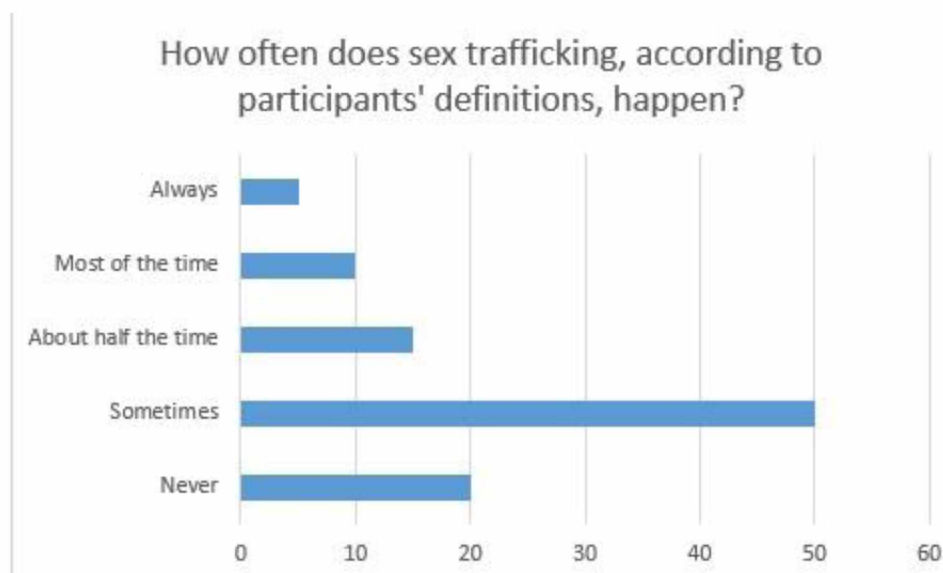
P: I think that's 35 to no more than 40%. I think that is pretty standard in Europe.

T: Yeah, I think that's the number that I usually hear around here too. [The percentage is often higher for agencies that also provide housing to travelling workers or other special services.]

That participant also reported the following anecdote:

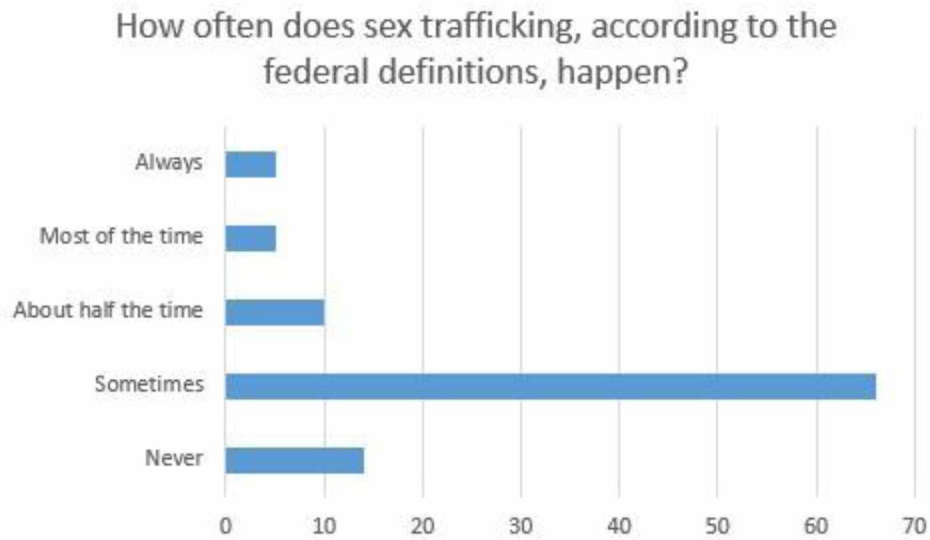
You know I went and danced in Japan and one of the things I've always known whenever you go work anywhere, you don't ever, ever, ever, ever, ever give up your passport, and the one club they insisted upon taking our passports. I would not give up my passport. I was sent home. The other girl there, all they were able to do is they had all of their money taken and they were given money for cigarettes. They couldn't leave, they were victimized.

How prevalent is sex trafficking? Most participants felt that sex trafficking, according to their own definition, happened sometimes or never:



*Figure 5.* Frequency of sex trafficking by participants' own definitions. This figure illustrates how often participants think that sex trafficking, according to their own definition, happens.

Their responses varied very little for the prevalence of sex trafficking according to the federal definition of force, fraud, coercion, or minors:

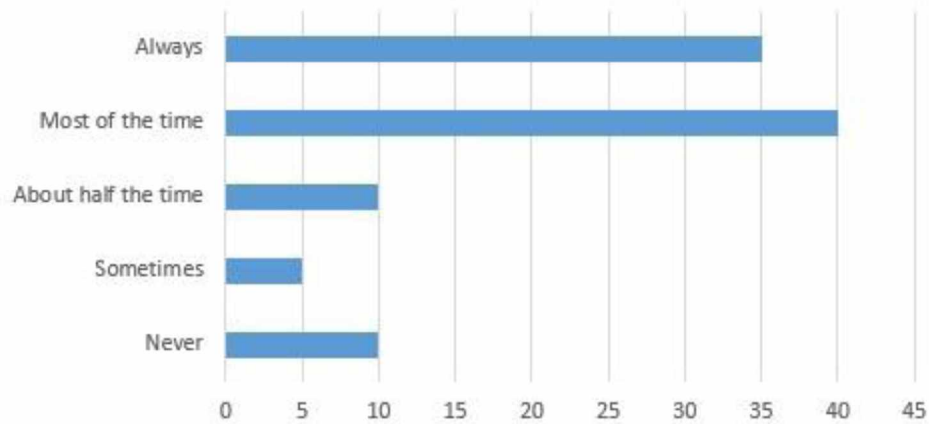


*Figure 6.* Frequency of trafficking according to federal definitions. This figure illustrates how often participants think that sex trafficking, according to federal definition, happens.

However, they thought that the state's definition has reframed sex trafficking so that it happens most of the time or always:



### How often does sex trafficking, according to the Alaska state definitions, happen?



*Figure 7.* Frequency of trafficking according to state definition. This figure illustrates how often participants think that sex trafficking, according to the Alaska statute definition, happens.

**4.11.1 Legislative recommendations.** What legislation do people with experience in the sex industry think would protect them?

- “Decriminalize prostitution.”
- “the [laws] everyone else benefits from”
- “if we could report crimes n be taken seriously”
- “Those volunteering should have the right to do what they want”
- “if they could go to the police without being arrested”
- “laws are ineffective without meaningful enforcement. Oversight of police departments would be a huge step.”
- “Big consequences and public shaming for cops who take advantage of marginalized people.”
- “home [brothels] for sex industry”
- “DECRIMINALIZATION. The ONLY real way to help protect sex workers.”

- “Decriminalize prostitution. Enforce rape laws, robbery laws, extortion laws, murder and kidnapping laws that are on the books.”
- “There aren’t any.”
- “Allowing 2 girls to work together. Also a driver is a great way to be safe.”
- “Removing the criminalization of prostitution and sex trafficking.”
- “It would be nice if we could just legalize... And operate like other businesses with the same protections.”
- “fewer laws, please? can we try that? enforce laws against rape, theft, and murder just like you would for anyone else and i am safer.”
- “If a crazy guy who saw one girl she could post the number for other girls.”
- “I think just decriminalizing it would give people freedom to make better choices involving their own safety.”
- “Make prostitution legal in certain areas.”
- “Decriminalization.”

I gave participants printed copies of Alaska’s sex trafficking code and tried to get them to make specific suggestions of changes. Some seemed to find this to be too involved or too disconnected from their realities. Others offered quite a bit of feedback.

This is the statute for sex trafficking in the first degree:

Alaska Statute Sec. 11.66.110. Sex trafficking in the first degree.

(a) A person commits the crime of sex trafficking in the first degree if the person

(1) induces or causes a person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes a person under 20 years of age to engage in prostitution; or

(3) induces or causes a person in that person's legal custody to engage in prostitution.

(b) In a prosecution under (a)(2) of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 20 years of age or older.

(c) Except as provided in (d) of this section, sex trafficking in the first degree is a class A felony.

(d) A person convicted under (a)(2) of this section is guilty of an unclassified felony.

Participants agreed that forcing someone into prostitution should carry harsh criminal penalties. Several thought that the sex trafficking framework was not a useful way to address this, though, and that someone who forced someone into prostitution should be charged with things like rape and kidnapping.

Participants agreed that the age of 20 should not be the age at which one becomes capable of consenting to sex involving money. Most agreed that it should be 18, while some noted it should be younger for emancipated minors and that the minors themselves should not be criminalized. Participants thought that inducing someone in your custody into prostitution should be defined as sexual abuse.

Alaska Statute Sec. 11.66.120. Sex trafficking in the second degree.

(a) A person commits the crime of sex trafficking in the second degree if the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution;

(2) procures or solicits a patron for a prostitute; or

(3) offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for the travel; in this paragraph, "commercial sexual conduct"

means sexual conduct for which anything of value is given or received by any person.

(b) Sex trafficking in the second degree is a class B felony.

Participants agreed that none of these things should be sex trafficking, as they do not involve victimization.

Alaska Statute Sec. 11.66.130. Sex trafficking in the third degree.

(a) A person commits the crime of sex trafficking in the third degree if, with intent to promote prostitution, the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(2) as other than a patron of a prostitute, induces or causes a person 20 years of age or older to engage in prostitution;

(3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

(b) Sex trafficking in the third degree is a class C felony.

Participants agreed that none of this should be sex trafficking. Those who “manage, supervise, or own,” a place of prostitution are most likely to be prostitutes themselves. Those who have been charged with this have primarily been alleged prostitutes working together for safety. Regarding receiving money earned from prostitution, one participant explained:

Well you know if I give my children money from prostitution money I’ve earned to support themselves or go to college, that makes them a sex trafficker under those laws that you just read. The landlord is a sex trafficker, the drycleaner is a sex trafficker

everybody, who gets money is a sex trafficker. The whole world is sex trafficker the world of sex trafficking has just changed: it encompasses you!

She elaborated that when this happens to prostitutes:

It alienates them. It alienates all their relationships. It alienates their relationships and it violates their privacy, you know, it puts all their relationships into the public realm and so it violates their right to privacy and the right to due process, the right to substantiate due process, you know, the right to equal protection.

Alaska Statute Sec. 11.66.135. Sex trafficking in the fourth degree.

(a) A person commits the crime of sex trafficking in the fourth degree if the person engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under [AS 11.66.130\(a\)\(4\)](#).

(b) Sex trafficking in the fourth degree is a class A misdemeanor.

Participants agreed that this should not be sex trafficking. Those who engage in conduct that institutes, aids, or facilitates prostitution are most likely to be prostitutes themselves or support staff hired by prostitutes such as drivers, security, and bookers. It makes prostitutes less safe to be unable to hire these people because of fearing sex trafficking prosecution.

## **Chapter 5**

### **Analysis and Discussion**

As action research, a goal of this thesis is to help an oppressed group “identify and act on social policies and practices that keep unequal power relations in place” (Herr & Anderson, 2005, Chapter 2, para. 5). Knowledge generated by action research should be “useful” and “informative of how we might change” inequalities. (Reason & Bradbury, 2006, p. 131). It is important that theory not undermine or overshadow the actionable knowledge of the 48 participants. It is equally important that this thesis meet the criteria of academic rigor that have been constructed for such thesis. In trying to meet both of those goals, I have included most of the academic analysis in each section of the findings, and in this section will mostly discuss the practical knowledge shared by participants.

#### **5.1 Policy and Conditions in the Sex Trade**

The knowledge shared by participants with recent experience in the sex trade corroborated the opinion of the elder I interviewed and of Morgan (1998) and Erwin (1960) that increasing severity in prostitution related laws results in an increase in violence towards people in the sex trade. This increase in violence, which participants reported in the form of police sexual assault, extortion, and assault by those posing as customers, seemed to affect those legally defined as sex trafficking victims – that is, those who the laws were intended to protect – the most. Those who met the legal definition of a sex trafficking victim reported two to three times as much police sexual assault as other participants, and were turned away from making police reports when they had been the victim or witness of a crime (institutional violence) at about twice the rate of other participants. These numbers make the participants’ pleas for decriminalization quite compelling.

Bourdieu (1986) sheds light on this phenomena, explaining that laws are “direct reflections of existing power relations” (p. 814) which become “an instrument of domination” (p. 814). It is especially disturbing that these laws are allegedly intended to help sex trafficking victims and people who are often seen as victims of prostitution. Žižek (2008) advises that “social-symbolic violence at its purest appears as its opposite” (Chapter 1, Section 4, para. 11).

## **5.2 Representations of Alaska’s Sex Trade: Semantic Contagion**

The elder I interviewed commented that the ruling class does not understand the basic realities of people in the sex trade. This was reflected, as discussed in the demographics section, by the wild misrepresentation of the average age of entry into prostitution and the realities of prostitution made by lawmakers in passing Alaska’s 2012 sex trafficking law (Appendix G). Participants agreed, saying things like, “I think that whoever came up with that [idea that sex work is inherently victimizing] has their heads completely up their asses and has never stepped out into reality; they certainly have never worked in this industry,” and “That [prostitution is victimizing] may be what people think, but it’s not the truth.” Meanwhile, police who are empowered to speak publically about the realities of prostitution say things like, “We should stop calling it prostitution, we should call it sexual exploitation . . . it’s very degrading and exploitive” (Flaherty, 2014, p. 1).

Instead, participants reported that they were free agents navigating complex realities that might include varying levels of victimization and empowerment at various times. Many emphasized an understanding that the meaning a person assigned to sex work was dependent on the person. For example, one participant explained that, “It’s great for certain people, and it would be totally horrific for some, you know what I mean? It depends on your mentality.”

Another said that prostitution “would be more empowering to me if it would only be by choice as opposed to socioeconomic need.”

The gaping canyon between how people in the sex trade see themselves and how they are perceived by law makers, law enforcement, and some helping professionals has been the subject of much academic writing. Grant (2013) explained that because stigma and criminalization prevent sex workers from representing themselves, they are most often represented and constructed by the media or by law enforcement and rescue industry workers who are empowered to speak for sex workers. Grant referred to the public idea of the sex worker, most often represented leaning into a car or at the moment of arrest, as the “prostitute imaginary.” Agustin (2005a, 2007) concluded and demonstrated that the rescue industry actively constructed the prostitute identity which then created their own benevolent helper identities. Hacking (1995) calls the phenomena of discourse from outside of a social field being applied to that social field’s actors ‘semantic contagion.’

Whatever its cause, the dichotomous approach of policy makers, which understands sex workers as powerful criminals or powerless victims has led to policy that people in the sex trade say makes them more likely to be victimized.

### **5.3 People Who Are Victimized in the Sex Trade are More Likely to be Victimized and Discriminated Against By Police and Service Providers**

In every aspect of this research except for medical care, the negative effects of stigma and criminalization impacted those who met the federal definition of sex trafficking victims much more severely than other people in the sex trade. As discussed above, there are many academic theories that can account for this. More pressing concerns are the intersections of policy, individual biases, stigma, abuse, and unethical people in positions of power that account for



people who have been abused within the sex industry being abused and discriminated against by the very systems intended to help them.

The relationship between sex trafficking and assault by police officers is troubling. The interview participants who had been assaulted by police officers all reported that it occurred for the first time before they had entered or been victimized in the sex industry. With this study we cannot determine how systematic police assault is connected sex trafficking in some cases, but the data as well as other research indicates that there seems to be a connection and further study is needed.

#### **5.4 Participant Recommendations for Service Providers**

Participants were systemically denied access to shelter, had difficulty accessing mental health services, and spoke of discrimination in the medical care they received. When people who are in crisis in the sex industry are denied shelter and have no place else to go, it can result in sex trafficking or otherwise compromise their safety. When sex trade workers are not comfortable discussing their sexual activity with their doctors it results in them not getting the appropriate testing or, sometimes, treatment.

Participants recommended that shelters, mental health providers, and doctors not discriminate. They requested that all of these providers learn harm reduction, educate themselves about sex work in their communities, and be proactively non-judgmental. Specifically for shelters participants recommended a housing first policy, informative and specific outreach to people in the sex trade, and taking care to meet people where they are without imposing values or stereotypes on them. For shelters that offer case management one participant recommended case managers who have experience in the sex industry and understand the specific issues faced by people in the sex trade. For rape crisis centers a participant

recommended experiential advocate-liaisons who could act as a cultural interpreter and advocate between police and people in the sex trade.

### **5.5 Participant Recommendations for Police: “Stop Pursuing Us Like Hunted Animals”**

Participants were very consistent in their recommendations for police. They asked officers to put an end to what they see as systemic rape and extortion of people profiled as sex workers by abusive police officers. They also asked to be treated the same way anyone else would when they are trying to report a crime. A couple participants said things like, “i [sic] don’t think [police] can be “told,” they can only be subject to the law.” Others recommended outside oversight for police departments or oversight for police interacting with people in the sex trade. The startlingly high rates at which participants reported being assaulted by police (Figure 4) and being turned away from reporting crimes (Figures 1 & 2) to police are alarming and lend urgency to their requests.

### **5.6 Risks and Prevention Identified by Participants**

The majority of participants believed that the main threat to their safety and futures were violence from police and arrest. One participant explained, “Law enforcement is what I’m most concerned with. I’d rather get ripped off than be caught in a sting and gang raped by the cops.” In weighing the effects of a single violent encounter or robbery against the long term effects of being criminally prosecuted, many found arrest to be the worse threat. A large number of participants felt that being victimized by people who knew that they would not go to the police for help was a major threat. Only three participants mentioned issues of personal safety and “killers” rather than police.

Overwhelmingly the participants said that the policy change that would protect them from those risks is the decriminalization of prostitution. Particularly, they want to be able to

report crimes to the police without being arrested and have their reports taken seriously, and they want to be able to share information, space, and customers with other people in the industry without it being prosecuted as a sex trafficking ring. Many participants also thought that simple legislative change would not be enough, saying things like, “laws are ineffective without meaningful enforcement. Oversight of police departments would be a huge step.”

### **5.7 Prevention: Minors**

It was difficult to ascertain the relevance of participant’s information and recommendations about minors in the sex trade. Some had entered the industry as minors, but seemed to give advice targeted to minors with very different experiences than theirs. Others seemed to have opinions that targeted experiences similar to those who disclosed entering the industry as minors, but it is unknown whether those opinions are based on experience.

It is clear from the data collected and from other research that money and shelter are usually factors in minors entering the sex trade (Dank, et al., 2015; Marcus et al., 2014; Terry et al., 2008). Other factors may be familial violence, poverty, manipulative “boyfriends,” intergenerational trauma, and the job market. Poverty, abuse, and the failings of “the system” are mentioned in most social science research with domestic minor sex trafficking victims (Iman et al., 2014; Marcus et al., 2014; Terry et al., 2008).

The most common recommendation of participants to prevent domestic minor sex trafficking was the provision of shelter and housing. Particularly, several mentioned housing first, non-discriminatory, housing on-demand, and shelter that did not require calling the minor’s guardians, who often could in some cases be their sex traffickers. Currently there are no shelters for minors in Alaska that do not call their parents before allowing them to stay. How does this protect children from parents who may be sex traffickers? Further, shelters seem to discriminate

against youth in the sex trade, to the extent that one worker at Alaska's biggest youth shelter is quoted in a news article saying that they have to deny shelter to some domestic minor sex trafficking victims because they could "recruit" other youth into sex trafficking (Glaser, 2015). It therefore seems very credible that accessible shelter could prevent a good deal of domestic minor sex trafficking.

### **5.8 Prevention: Force, Fraud, and Coercion**

The participants' wide variety of suggestions to prevent force, fraud, and coercion within the sex industry reflect a number of factors that make people vulnerable to sex trafficking, as well as law enforcement responses and sex traffickers. Several mentioned decriminalizing victims and getting police to focus on violent criminals who target sex workers. Housing and other services for vulnerable people as well as allowing people in the sex industry to work together for safety were mentioned frequently as well. One participant thought that police should work with sex workers to identify predators, saying, "we have children too." Others recommended services to strengthen families and reduce poverty, with one participant saying people should raise their sons better. One very typical participant explained, "they should be able to call the police and make reports of crime without the threat of being arrested for prostitution or you know being lied to by police officers about the risks of this industry. Because the risks of this industry are the fact that it's criminalized, that's the main, that's what causes the main harm, the main risk, it sets up the main system of exploitation is the criminalization."

### **5.9 Legislative Recommendations: Sex Trafficking**

Several participants believed that the sex trafficking laws should be done away with completely. They pointed out that crimes like kidnapping, assault, fraud, and forcing or coercing someone to have unwanted sex are already illegal, but that police typically will not investigate

these crimes when they happen to people in the sex trade. These participants believed that people in the sex trade should be fully enfranchised in accessing the protections of criminal and labor laws that already exist rather than being further stigmatized and driven underground by laws that target things they do for safety and redefine safety measures as felonies.

Other participants offered definitions of sex trafficking that included force, coercion, and financial usury. With a little variation, they thought that most things which could be considered domestic violence or labor abuses should be called domestic violence or labor abuses rather than sex trafficking. The vast majority identified police not taking reports from people in the sex trade or targeting them for arrest as a major obstacle to enforcement of any kind of laws to protect people in the industry.

Participants' definitions of sex trafficking were somewhat similar to the federal definition. This was reflected in estimations of how often sex trafficking by different definitions happens in Alaska: by their own definitions and by the federal definition the majority thought sex trafficking happened never or almost never. However, the majority of participants thought that according to Alaska's definition of sex trafficking it happened most or all of the time. This illustrates how Alaska's sex trafficking laws expand the definition of sex trafficking to include almost all prostitution.

In Alaska Statute 11.66.110 participants agreed unanimously that forcing someone into prostitution should carry harsh criminal penalties, but some thought it would be more appropriate to charge this as kidnapping and sexual assault. Participants agreed that the age of 20 should be lowered to 18, and some thought it should be younger for emancipated minors. Participants were clear that these minors should not be criminalized, they should be given housing and education.

Participants agreed that sections 11.66.120-135 of the sex trafficking laws should be eliminated. Conditions and actions such as having a place of prostitution, aiding or facilitating prostitution, and procuring a customer for prostitution are most likely to be done by prostitutes themselves. They believed that these laws made them less able to go to the police if they were the victim of a crime because of a concern of being charged with felony sex trafficking rather than misdemeanor prostitution. Additionally, they said the laws made them less likely to take safety measures like working together or sharing space or clients, because these things are now felonies. One participant explained that the law against receiving money from prostitution makes relatives, landlords, and roommates of prostitutes into sex traffickers and isolates sex workers from their communities and support systems.

#### **5.10 Legislative Recommendations: Protecting People in the Sex Trade**

The most common suggestion for legislation to increase the safety of people in Alaska's sex trade was decriminalization. Particularly, participants mentioned things like two women working together, hiring security, and sharing information about bad clients, which they thought would have an immediate positive effect on the safety of people in Alaska's sex trade if decriminalized. Some participants mentioned immunity when reporting crimes, like sex trafficking, and others mentioned oversight of police and strong consequences for officers who victimize already marginalized people.

“Laws are ineffective without meaningful oversight,” one participant said. “Oversight of police departments would be a huge step.”

#### **5.11 Final Recommendations**

1. Oversight of police interactions with people in the sex trade.

2. Anti-discrimination laws for people in the sex trade accessing public services and regular accountability procedures for shelters and other non-profits.
3. Discontinue the criminalization of safety measures taken by sex workers.
4. Repeal Alaska's sex trafficking laws and work with people in the sex trade to craft relevant and effective policy.
5. Decriminalize prostitution and ensure that sex workers' reports to police are taken seriously.
6. Serious criminal penalties for police officers who use their positions of power to abuse marginalized people.
7. Non-discrimination policies and training for shelters, rape crisis centers, and other service providers who work with people in the sex trade.
8. Housing first for all Alaskan youth.
9. Further research is needed to understand the relationship between police misconduct and sex trafficking.

#### **5.11.1 Delineation of recommendations.**

##### **5.11.1.1. *Oversight of police interactions with people in the sex trade.*** Participants said:

I was walking, by the police, I was walking to catch a bus and the police, because I was in the area that I was in and I had a acid wash miniskirt on and a little tank top, they wanted to see whether or not I was, I was trans. And they ripped my underwear off, one of them put his hand up my skirt and ripped my underwear off, he slammed me down on the car, he injured me. Um, left me with some broken fingers, broken toes, fractured cheekbone. And they felt perfectly okay with this because there was no law to protect me.

“Laws are ineffective without meaningful enforcement. Oversight of police departments would be a huge step.”

Participants reported an alarming amount of police sexual assault: 26% of all survey participants and 60% of those who reported being a victim of abuse within the industry reported being sexually assaulted by police. Additionally, when they did try to report being the victim or witness of a crime, police turned them away 66% of the time. Those who reported being victims within the industry reported being turned away 80% of the time. Participants were also threatened with arrest 33% of the time (60% of the time for those who had been victimized within the industry) when trying to report a crime.

Eliminating these traumatic experiences with police officers is key in addressing abuses that occur within the sex industry, including sex trafficking. People in the sex trade must be able to report crimes and access equal protection under the law. Oversight by those with experiential knowledge of the sex industry and criminal justice system is necessary to achieve this goal.

***5.11.1.2. Anti-discrimination laws for people in the sex trade accessing public services and regular accountability procedures for shelters and other non-profits.*** Participants said:

“[The shelter] said I wasn’t the right kind of victim.” “It shouldn’t matter what we do for a living or where we met the person we need protection from.”

Survey participants who had sought shelter reported being turned away at a high rate, and 100% of those who had been abused within the industry and sought shelter reported being turned away. Participants consistently believed that lack of housing was a cause of abuse within the industry and minors entering the industry. They recommended accessible shelter as a strategy to prevent abuse, particularly that of minors. Alaska has an opportunity to prevent abuse within the sex industry and prevent minors from entering the sex industry by providing accessible shelter, and other safety net services, to all people.



**5.11.1.3. *Discontinue the criminalization of safety measures taken by sex workers.***

Participants said:

[The risks are] so many at this point you know we can't, we're not supposed to get together, we're not supposed to talk about how to keep each other safe, we're not supposed to share spaces, we're not supposed to you know help with references or anything like that because we're worried about being arrested.

People have been charged with prostitution because they used screening procedures for safety (Appendix H), because they insisted on using condoms, and because they refused to have anal sex with a police officer (Appendix I). A sex worker who was working completely independently and alone was charged with sex trafficking herself (Appendix J). Sex workers have been charged with sex trafficking for having a shared space of prostitution, for screening clients for each other, and for booking duos for themselves and another worker (Appendix K).

This has resulted in a climate where those in the sex trade are nervous about, and sometimes forgo, using these safety measures. It is essential that marginalized people working underground not be further criminalized for responsible attempts to preserve their safety.

**5.11.1.4. *Repeal Alaska's sex trafficking laws and work with people in the sex trade to craft relevant and effective policy.*** Participants said: "Law enforcement is my number 1 biggest fear, because I follow safety protocols that under that definition is 'trafficking.'"

Alaska's sex trafficking laws have been used frequently against marginalized sex trade workers, rather than to protect them. If people in the sex trade are to develop a relationship with the criminal justice system that allows them equal protection under the law and addresses abuses within the industry, they must not be threatened with felonies when trying to keep themselves

safe. Law makers should consider the recommendations in this report and work with people in the sex trade to create laws that would protect them.

**5.11.1.5. Decriminalize prostitution and ensure that sex workers' reports to police are taken seriously.** Participants said:

People know that they can harm you and get away with it because you can't go to the police because you'll be arrested right with them. So you'll be victimized twice.”

“You can't just finally make it out of there and call the police and say I was raped without questions, “Oh, well she's a prostitute” and then you're labeled, maybe charged, and those guys aren't.

Participants reported being threatened with arrest and turned away at alarming rates when trying to report crimes. They also reported that criminalization and stigma made it difficult for them to exit the sex trade by preventing access to housing, other employment, and financial instruments. Decriminalization is necessary for people in Alaska's sex trade to access equal protection under the law and equal opportunities, both of which are their constitutional rights.

**5.11.1.6. Serious criminal penalties for police officers who use their positions of power to abuse marginalized people.** Participants said:

I myself have had them pose as customers and actually complete a sexual act with me and then try to arrest me however I didn't touch the money so they couldn't arrest me and, um... I felt raped after. Completely raped. So that's... recently I had one emailing me saying he was the police and I was going to be arrested if I didn't give him money, he was attempting to extort me and unfortunately I'm scared to file a report with the police.”

“[My friend], she got picked up and handcuffed and she came to my house in handcuffs, I helped cut her out of handcuffs. (laughing). She got away from a policeman who was

going – he threatened to throw her in the [river] if she didn't perform oral sex on him... So he just arrested her for, you know, because he wanted to have sex with her.

Of survey participants who had been sexually assaulted by a police officer, all but one named police as a primary threat to people in Alaska's sex industry. Ninety three percent of those who had been assaulted by a police officer reported that they had been the victim or witness of a crime they had not reported to the police. Participants who had been victimized within the sex industry reported a much higher rate of being assaulted by police officers. Three out of four interview participants who met the federal definition of a sex trafficking victim reported being assaulted by a police officer *before* ever entering the sex industry.

In 2014 Alaska's Supreme Court found that a state trooper who had sex with a victim of domestic violence after arresting her assailant should not have been fired (Therault Boots, 2014a). In 2012 a judge dismissed charges of sexual assault against a parole officer who had first been accused of sexually assaulting a parolee in 2003. Even though there was evidence of the officer threatening to send women to jail if they did not pay him or provide him with sexual favors, the judge found that they were consenting despite being coerced (Therault Boots, 2014b). In the late 1980's an Anchorage Police Department officer was acquitted by a jury on several charges of child sexual abuse. Although he admitted to using children to make sex tapes, the jury believed that he was doing so for good reason (Appendix L). In 2011 an Anchorage Police Department officer was found guilty of several counts of first and second degree sexual assault for sexually assaulting women after arresting them (Grove, 2011). In 2013, a governor's bill, Senate Bill 22 (Appendix M), made it sexual assault in the third degree for an officer to sexually penetrate a person who was in their custody or apparent custody.

It is unclear exactly what the relationship between police assault and abuse within the sex industry is. It is clear that those who have been assaulted by police officers are much less likely to report when they are the victims of crimes, and potentially more likely to become the victim of a crime. Police officers who use their power to sexually assault those they've sworn to serve and protect do not just cause the "typical" trauma – they damage their victims' relationships with police.

Harsh criminal penalties and safe reporting procedures are necessary to prevent some police officers from assaulting vulnerable people in the sex trade. This prevention will result in more people being able to access equal protection under the law if they become a victim of abuse within the sex industry.

***5.11.1.7. Non-discrimination policies and training for shelters, rape crisis centers, and other service providers who work with people in the sex trade.*** Participants said:

Their approach was based on stereotype. They were too concerned about my 'pimp' of which I didn't have one." "[The shelter] wouldn't let me in when it was forty below, wouldn't give me shelter in general.

Many participants believed that improvements in the accessibility of shelter could drastically reduce victimization and minors within the sex trade, yet people who had been victimized within the sex trade reported being denied shelter one hundred percent of the time. In almost every aspect of the survey, from shelter to mental health services to reporting crimes, those who had been victimized within the sex industry reported higher rates of discrimination and being unable to access services.

When people were able to access services, some reported that the services were compromised because of the individual provider's stigmatization, prejudice, or personal bias. Policies and even legislation often cannot overcome individual bias. Training and exposure to marginalized populations can

help providers understand people in the sex trade as having complex personhood and provide more relevant and accessible services.

**5.11.1.8. *Housing first for all Alaskan youth.*** Participants said:

Because they don't have, they don't have any money. They don't have any money they don't have a place to live. Primarily it's probably the place to live is the main issue for minors. You know most minors can figure out how to dress themselves, how to eat, how to find some food, but the main issue here in Alaska is the housing. The warm safe housing where they're not going to be extorted for, you know, exploited for free sex, or have their money taken from them, you know.

Several participants believed that the primary way to prevent minors from entering the sex industry was to make housing accessible to all Alaskan youth. This recommendation is corroborated by much other research (Dank et al., 2015; Marcus et al., 2014). There are many justifications for denying shelter to Alaskan youth: their parents can't be contacted, the shelter staff judge them to have unmanageable mental health issues, or the shelter worries that if they are already involved in the sex trade they could "recruit" other youth, just to name a few. Whatever the justification, minors who are denied shelter in Alaska are often placed in unjustifiably untenable situations where they use sex for survival. Research has consistently shown that these youth are typically running from or have already fallen through the cracks of the child welfare system. In most communities in Alaska, there is no youth shelter available. To prevent minors from entering the sex industry, accessible non-judgmental shelter should be available to ALL Alaskan youth.

**5.11.1.9. *Further research is needed to understand the relationship between police misconduct and sex trafficking.*** In the survey 60% of those who met the federal definition of a

sex trafficking victim reported being sexually assaulted by police. Of interview participants who met the federal definition of a sex trafficking victim, 75% reported being assaulted by police officers before ever entering the sex industry. The connection between police sexual coercion and other victimization was also noted in a Russian study (Odinokova et al., 2014). This research does not offer enough data to draw strong conclusions about the relationship between police misconduct and sex trafficking. Are people who are assaulted by police officers more likely to enter underground economies? Are people who have been traumatized by police officers more likely to be victimized by sex traffickers? Are abusers in uniform attracted to the same victims as abusers within the sex industry? More research is needed to answer all of these questions.

## **5.12 Conclusions**

Participants reported that policy intended to protect them was more often used against them. They reported being turned away from reporting crimes to the police and being sexually assaulted by the police at high rates. Participants also reported a high rate of discrimination in accessing shelter, and some discrimination in accessing mental health services. In all areas except for medical care, those who had been victimized within the sex industry suffered the most from stigma, discrimination, violence, and criminalization. They believed their realities were grossly misunderstood and misrepresented by media, police officers, and lawmakers, but they reported that they were unable to represent themselves in these arenas without risking arrest. I'll leave you with the parting words of two participants: [Tara]: Well do you have any more wisdom to drop on me? [Participant]: Ah, that takes years. It's like a seed that's planted, but when you least expect it, I'll offer you wisdom. [Tara]: Did I forget to ask you anything? Is there anything else you wanna say? [Participant]: Free the prostitutes!!!



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## Sex Work and Sex Trafficking in Alaska

### **\* 1. People in Alaska's Sex Trade: Their Lived Experiences and Policy Recommendations**

**IRB # 570250-1**

**Date Approved: March 12, 2014**

#### **Description of the Study:**

**You are being asked to take part in a research study about sex work and sex trafficking in Alaska. The goal of this study is to learn about the experiences of people in Alaska's sex trade and their recommendations. You are being asked to take part in this study because you have valuable insight to share and make a difference. Please read this form carefully. You are invited to ask any questions you may have now or at any time during your participation.**

**If you decide to take part, you will be asked to answer 54 questions, which will take you approximately 15-45 minutes.**

#### **Risks and Benefits of Being in the Study:**

**The risks to you if you take part in this study are minimal because this is an anonymous survey and you can stop taking it at any time.**

**Potential benefits to you for taking part in this study are to positively influence laws that affect people in the sex industry.**

#### **Confidentiality:**

- This study does not collect any of your personal information or computer IP address.**
- Your responses will only be seen by the research team.**
- Please take normal precautions with your computer and internet use.**

#### **Voluntary Nature of the Study:**

**Your decision to take part in the study is voluntary. You are free to choose whether or not to take part in the study. If you decide to take part in the study you can stop at any time. Whether or not you choose to participate, will not affect your grades/ services you are receiving/ etc. You don't have to answer any questions that you don't wish, but there are a few that must be answered to complete the survey.**



## Sex Work and Sex Trafficking in Alaska

### **Contacts and Questions:**

If you have questions now, feel free to email me at [tcrupani@alaska.edu](mailto:tcrupani@alaska.edu). If you have questions later, you may contact [REDACTED] at [REDACTED] or Dr. Jean Richey at [jarichey@alaska.edu](mailto:jarichey@alaska.edu) or call her at 907-474-7405).

If you have questions or concerns about your rights as a research participant, you can contact the UAF Office of Research Integrity at 474-7800 (Fairbanks area) or 1-866-876-7800 (toll-free outside the Fairbanks area) or [uaf-irb@alaska.edu](mailto:uaf-irb@alaska.edu).

### **Statement of Consent:**

I understand the procedures described above. My questions have been answered to my satisfaction, and I agree to participate in this study. I am 18 years old or older. I have been provided a copy of this form.

**PLEASE HIT THE SUBMIT BUTTON WHEN YOU GET TO THE END!!!!**

I agree.

## Sex Work and Sex Trafficking in Alaska

**\*2. How old were you when you had your first experience exchanging something sexual for money, drugs, rides, places to stay, or something else of value?**

**\*3. At that time were you (check all that apply):**

- acting independently
- working for an agency
- working with the help of someone who was also working in the same way
- working with the help of a someone who was not also a worker
- using sex for survival, like a place to stay
- under 18
- coerced or manipulated
- forced

Other/Comment:

**\*4. How much time have you spent in the sex industry (counting on again/off again periods)?**

- 3 months or less
- 6 months or less
- 1 year or less
- 2 years or less
- 3 years or less
- 5 years or less
- 10 years or less
- 15 years or less
- 20 years or less
- 30 years or less
- 31 years or more

## Sex Work and Sex Trafficking in Alaska

**\*5. During your entire time in the industry were you (check all that apply):**

- acting independently
- working for an agency
- working with the help of someone who was also working in the same way
- working with the help of a someone who was not also a worker
- using sex for survival, like a place to stay
- under 18
- coerced or manipulated
- forced

Other/Comment:

## Sex Work and Sex Trafficking in Alaska

**\*6. If you had wanted to leave the industry, were there any reasons you couldn't or things that made it hard (for example if someone was forcing you or if you couldn't get a job because of immigration status or being a minor or discrimination against sex workers or etc)? If so, what were they?**

**\*7. What is your gender?**

Female

Male

Trans

Other:

**\*8. What is your race? (check all that apply)**

White

Alaska Native

Hispanic or Latino

Black or African American

Native American or American Indian

Asian / Pacific Islander

Other:

## Sex Work and Sex Trafficking in Alaska

### 9. What is the highest level of education you have completed?

- Some high school
- Graduated from high school
- Some college
- Graduated from college
- Trade/technical/vocational training
- Some graduate school
- Completed graduate school

Other:

## Sex Work and Sex Trafficking in Alaska

**\*10. During your time in the sex industry did you ever seek services from a shelter?**

- Yes  
 No (if no skip to next page)

Other:

**11. Was it a:**

- Youth shelter.  
 Adult shelter.  
 Domestic violence shelter.

Other:

**12. Did they provide you with shelter or the services you were trying to get?**

- Yes  
 No

Other (please specify)

**13. Were they aware of your involvement in the sex industry?**

- Yes  
 No  
 Only certain staff

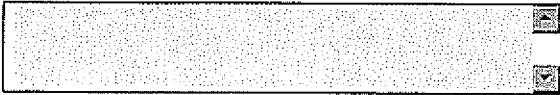
Other/Comment:

**14. What did they do that was helpful?**

**15. What did they do that was not helpful?**

**Sex Work and Sex Trafficking in Alaska**

**16. What would you tell shelters about how they can best help people who are involved in the sex industry?**



## Sex Work and Sex Trafficking in Alaska

**\*17. During your time in the industry did you ever seek mental health services?**

Yes

No (if no, skip to next page)

Other/Comment:

**18. Did they give you the services or help you were looking for?**

Yes

No

Other/Comment:

**19. Were they aware of your involvement in the sex industry?**

Yes

No

Other/Comment:

**20. What did they do that was helpful?**

**21. What did they do that was not helpful?**

**22. What would you tell mental health providers about how to best help people who are involved in the sex industry?**



## Sex Work and Sex Trafficking in Alaska

**\*23. During your time in the industry did you ever seek medical attention?**

Yes

No (if no, skip to next page)

Other/Comment:

**24. Did they provide you with the services or help you were looking for?**

Yes

No

Other/Comment:

**25. Were they aware of your involvement in the sex industry?**

Yes

No

Other/Comment:

**26. What did they do that was helpful?**

**27. What did they do that was not helpful?**

**28. What would you tell doctors and other health care providers about how to provide good medical care to people involved in the sex industry?**

## Sex Work and Sex Trafficking in Alaska

**29. Did I forget to ask you anything about receiving services or discrimination? Tell me about it:**

## Sex Work and Sex Trafficking in Alaska

**\*30. While in the sex industry, did you ever try to report a crime to the police? (choose all that may apply)**

- Yes, I tried to report being a victim of a crime while working.
- Yes, I tried to report being a victim of a crime that had nothing to do with sex work.
- Yes, I tried to report witnessing a crime while working.
- Yes, I tried to report witnessing a crime that had nothing to do with sex work.
- No.

Approximately when was the last time this occurred?

**31. Did the police take your report?**

- Yes
- No

Approximately when was the last time this occurred?

**32. Did the police arrest you when you had been the victim or witness of a crime?**

- Yes
- No

Approximately when was the last time this occurred?

**33. Did the police threaten you with arrest?**

- Yes
- No

Approximately when was the last time this occurred?

**34. Did the police ask or investigate whether you were being forced or coerced?**

- Yes
- No

Approximately when was the last time this occurred?

## Sex Work and Sex Trafficking in Alaska

**35. Do you feel the police provided you with the appropriate protection, services, and referrals?**

Yes

No

Approximately when was the last time this occurred?

## Sex Work and Sex Trafficking in Alaska

### \*36. During your time in the industry, were you the victim or witness of a crime that you did not report to the police?

- Yes, I didn't report because I thought I would be arrested.
- Yes, I didn't report because I didn't think the police would do anything.
- Yes, I didn't report because I didn't want to draw attention to myself or my coworkers.
- Yes, other:
- No.

Approximately when was the last time this occurred?

### \*37. If you had been the victim or witness of a crime, would you have reported it?

- No, I wouldn't have reported because I thought I would be arrested.
- No, I wouldn't have reported because I thought the police wouldn't do anything.
- No, I wouldn't report because I wouldn't want to draw attention to myself or coworkers.
- No, other:
- Yes.

Other/Comment:

### \*38. During your time in the industry, did you have other contact with police (check all that apply):

- Yes, I was arrested as an adult.
- Yes, I was arrested as a minor.
- Yes, I was in a bust but not arrested.
- Yes, I was detained but not arrested.
- Yes, I had a perfectly pleasant interaction with a police officer who was just checking things out.
- Yes, a police officer collected a freebie.
- Yes, I was assaulted or robbed by a police officer.
- Yes, other:
- No.

Approximately when was the last time this occurred?

## Sex Work and Sex Trafficking in Alaska

**39. If you were arrested, were you (check all that apply):**

- Charged with prostitution.
- Charged with sex trafficking.
- Charged with something else related to work:
- Charged with something else entirely.
- Convicted.
- Not charged.

Approximately when was the last time this occurred?

**40. What did police do that was helpful?**

**41. What did police do that was not helpful?**

**42. What would you tell police officers about how to best serve and protect people who are involved in Alaska's sex trade?**

**43. Have I forgotten to ask you anything about the police? Tell me all about it:**

## Sex Work and Sex Trafficking in Alaska

**44. Have you had any experience with or do you know anything about Alaska's sex trafficking laws?**

**45. How would you define sex trafficking?**

**46. Do you think of yourself as a victim of sex trafficking according to your own definition?**

**47. How common do you think sex trafficking, according to your own definition, is in Alaska?**

- 1. Never
- 2. Sometimes
- 3. About half the time
- 4. A lot of the time
- 5. All the time

## Sex Work and Sex Trafficking in Alaska

**48. According to federal law, sex trafficking is the use of force, fraud, or coercion to profit from other people's prostitution, or any prostitution of people under the age of 18. By that definition how common do you think sex trafficking is in Alaska?**

- 1. Never
- 2. Sometimes
- 3. About half the time
- 4. A lot of the time
- 5. All the time

**49. Based on your experience and that of people you know, who do you think is most at risk of being forced, frauded, or coerced, into prostitution for another person's profit?**

**50. What do you think could be done to prevent people from being forced, frauded, or coerced into working for another person's profit?**

**51. What do you think could be done to prevent minors from entering the sex industry?**

**52. Based on your experience and that of people you know, what makes it hard for people to leave the industry and what could be done to help people who want to leave the industry?**



## Sex Work and Sex Trafficking in Alaska

**53. Under Alaska state law running an agency, being a phone girl or driver, doing duos, having an incall, being a safe call, and "aiding or facilitating prostitution" are all considered sex trafficking. By that definition, how common do you think sex trafficking is within Alaska's sex trade?**

- 1. Never
- 2. Sometimes
- 3. About half the time
- 4. A lot of the time
- 5. All the time

**54. Based on your experience and that of people you know, what do you think are the real risks to people in the sex industry that law enforcement should be concerned with?**

**55. What laws do you think would protect people in the sex industry?**

**56. What recommendations do you have for law enforcement to better serve people who are in Alaska's sex industry?**

**57. Thanks so much for taking the survey! Do you have more to say? Comment below or email me to set up an interview: [tcrupani@alaska.edu](mailto:tcrupani@alaska.edu)**

**PLEASE DON'T FORGET TO HIT SUBMIT! THANKS SO MUCH!**

## **Sex Work and Sex Trafficking in Alaska**

**58. If any of the questions brought up a need to talk to somebody, here are some resources:**

**If you would like to talk to somebody about suicidal feelings, please know you can call the National Suicide Prevention Lifeline at 1-800-273-8255.**

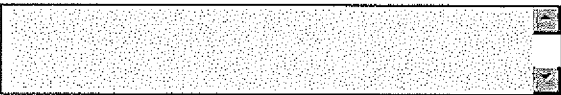
**If you would like to talk to someone anonymously about experiences of sexual or relationship violence you can call the Rape, Abuse, and Incest National Network at 1-800-656-4673.**

**If you would like to talk to someone locally about experiences of sexual or relationship violence:**

**In Anchorage call Standing Together Against Rape (STAR) (907) 276-7273**

**In Fairbanks call the Interior Center for Non-violent Living (907) 452-2293**

**(Both agencies are funded through many sources including various governmental grants and private donations.)**



## Appendix B

### **Informed Consent Form to Conduct Research with Participants People in Alaska's Sex Trade: Their Lived Experiences and Recommendations for Policy Change**

IRB #570250-1

Date Approved: March 12, 2014

#### **Description of the Study:**

You are being asked to take part in a research study about Alaska's sex trade. The goal of this study is to learn about the lived experiences and recommendations of people in Alaska's sex trade. You are being asked to take part in this study because you are an expert on your own experiences. Please read this form carefully. You are invited to ask any questions you may have now or at any time during your participation.

If you decide to take part, you will be asked to spend about an hour talking about your experiences and what laws, services, and policies you think would be helpful to others in Alaska's sex trade.

#### **Risks and Benefits of Being in the Study:**

The risks to you if you take part in this study are being reminded of past experiences and may experience emotional discomfort. Please stop the interview if you are uncomfortable or don't wish to continue. On the next page are services for you to contact if needed.

#### **Benefit Statements:**

- This research has no direct benefit for you. We hope that our research and your contribution will help to make potential positive change in laws, services, and policies that affect those in Alaska's sex trade.
- 

#### **Confidentiality:**

We will strive to protect your confidentiality throughout the research process. No real names or identifying information will be collected or used in any written report.

Your participation in this study is anonymous. That is we will not ask for your name or other identifying information and you will not be asked to sign the consent form or any other documents for this study.

The recording of your interview will be deleted as soon as the transcription is complete, which will be immediately after the interview. You are welcome to stay until the transcription is complete, witness the deletion of the recording, and delete or clarify anything you would like in the transcript. No identifying information will be on the transcript. The transcript will only be seen

by myself and my committee. When my project is complete the transcripts will be kept in a locked cabinet in a locked room accessible only by Dr. Jean Richey, who is the advisor of my committee.

If I were to hear about current abuse to children or specific plans to harm yourself or others, I would be obligated to report it. However, this is not the purpose of the study.

**Voluntary Nature of the Study:**

Your decision to take part in the study is voluntary. You are free to choose whether or not to take part in the study. If you decide to take part in the study you can stop the interview at any time and I will delete the recording if you wish. You may skip any questions you choose. There will be no consequences to you in any way if you refuse to participate or decide not to complete the study.

**Contacts and Questions:**

If you have questions now, feel free to ask me now. If you have questions later, you may contact Dr. Jean Richey at (907) 474-7405 or jarichey@alaska.edu.

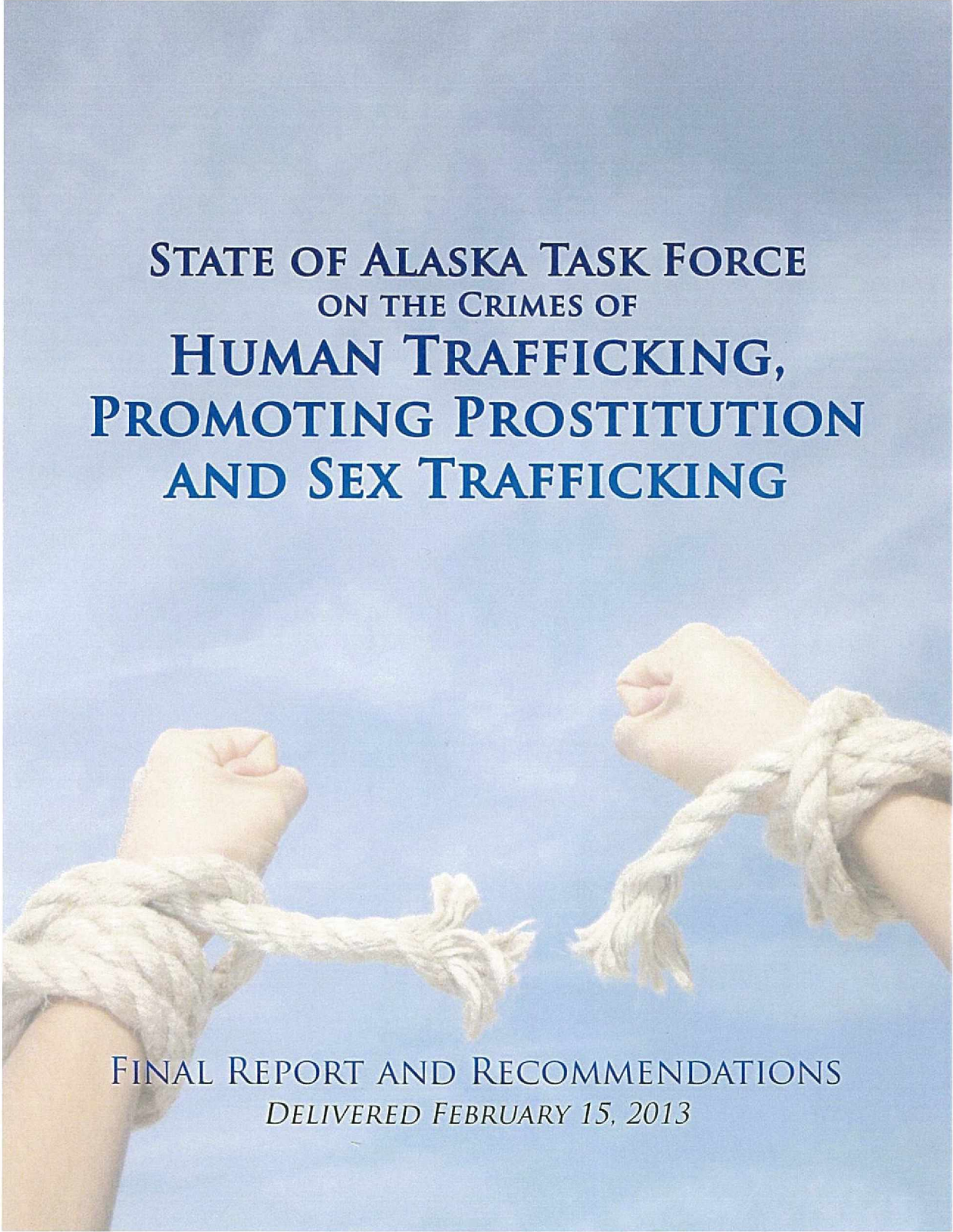
If you have questions or concerns about your rights as a research participant, you can contact the UAF Office of Research Integrity at 474-7800 (Fairbanks area) or 1-866-876-7800 (toll-free outside the Fairbanks area) or uaf-irb@alaska.edu.

## **Services**

If you would like to talk to somebody about suicidal feelings, please know you can call the National Suicide Prevention Lifeline at 1-800-273-8255.

If you would like to talk to someone anonymously about experiences of sexual or relationship violence you can call the Rape, Abuse, and Incest National Network at 1-800-656-4673.

If you would like to talk to someone locally about experiences of sexual or relationship violence:  
In Anchorage call Standing Together Against Rape (STAR) (907) 276-7273  
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STATE OF ALASKA TASK FORCE  
ON THE CRIMES OF  
HUMAN TRAFFICKING,  
PROMOTING PROSTITUTION  
AND SEX TRAFFICKING

FINAL REPORT AND RECOMMENDATIONS  
*DELIVERED FEBRUARY 15, 2013*

## Acknowledgements

There were many people and organizations that provided helpful information to the task force, and this input was vital to completing our mission.

In particular, the task force would like to thank First Lady Sandy Parnell and the Cook Inlet Tribal Council for putting together the Ad Hoc NGO Working Group on Sex Trafficking in Alaska. The research done by the working group, as well as its recommendations, provided a good foundation from which the task force could begin its work.

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## **I. Executive Summary and Introduction**

The State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution and Sex Trafficking was established by legislation in 2012 to do the following: (1) look at the prevalence of the crimes of human trafficking and sex trafficking in Alaska; (2) assess the current services available to victims of human and sex trafficking; and (3) make recommendations for ways to further assist victims. This report is the final culmination of the task force's work and includes the task force's final recommendations.

The task force met over the course of five months and held three public hearings in Anchorage, Bethel and Hooper Bay. In addition to hours of testimony and some written comments, the task force also received background information from its staff to gain a better understanding of services available throughout the state and the prevalence of the issue in Alaska. Although the task force received a lot of information, it found that there are also a lot of gaps in information due to the underground nature of the crime and the tendency of trafficking victims not to self-report. Therefore, many of the task force's recommendations focus on how to better identify victims and public awareness of human trafficking.

The task force's final recommendations are summarized below:

1. Establish a permanent working group on human and sex trafficking.
2. Conduct a high profile media campaign.
3. Develop a mechanism to allow victim advocates access to potential trafficking victims.
4. Educate youth on the subject of human and sex trafficking
5. Train law enforcement, Department of Health and Social Services (DHSS), prosecutors and key service providers on how to identify and assist trafficking victims.
6. Amend the administrative subpoena law to encompass the trafficking statutes.
7. Establish pre-trial diversion programs for persons arrested for prostitution.
8. Update population and in-take surveys to better identify potential trafficking victims.
9. Continue efforts on language access for victims.
10. Encourage establishment of safe shelters, both short and long-term.

11. Create mechanism to ensure housing of unaccompanied minors in emergency circumstances.
12. Develop hotline and emergency response for hotline.
13. Evaluate legislation to allow expungement of prior prostitution convictions of trafficking victims.

In addition to the recommendations above, the task force supports the provisions in Governor Parnell's recent omnibus crime bill addressing trafficking. In particular, the task force supports the change to the Violent Crimes Compensation Board to cover trafficking victims, the elimination in the statute of limitations for a tort claim, and the expansion of wiretapping for the crimes of human and sex trafficking.

## **II. Background**

### **a. Definition of Human Trafficking**

As a starting place for understanding human trafficking, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons defines "Trafficking in Persons" as

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In 2000, the United States Congress passed the Trafficking Victims Protection Act (TVPA). States began to follow suit, enacting their own laws against human trafficking.

The purpose of the TVPA is to provide protection for victims of human trafficking. Under the TVPA, trafficking in persons is defined as:

- a) Sex trafficking in which a commercial sex act is induced by force, fraud, coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- b) The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(8 U.S.C. § 1101.)

In 2012, the Alaska legislature amended both its sex trafficking statutes<sup>1</sup> and its human trafficking statutes.<sup>2 3</sup> Under current Alaska law,<sup>4</sup> sex trafficking in the first degree<sup>5</sup> can occur if a person:

- (1) induces or causes a person to engage in prostitution through the use of force; or
- (2) as other than a patron of a prostitute, induces or causes a person under 20 years of age to engage in prostitution; or
- (3) induces or causes a person in that person's legal custody to engage in prostitution.

Sex trafficking in the first degree is a class A felony unless prosecuted under subsection (2) which is an unclassified felony. There are also multiple lesser counts of sex trafficking. For example, a person commits sex trafficking in the second degree,<sup>6</sup> a class B felony, if the person:

- (1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution; or
- (2) procures or solicits a patron for prostitution; or

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<sup>1</sup> AS 11.41.360-11.41.365.

<sup>2</sup> AS 11.66.110-11.66.135.

<sup>3</sup> Alaska's sex trafficking statute was first enacted in 1978 and its human trafficking statute in 2006.

<sup>4</sup> The full text of the Alaska statutes on the crimes of human trafficking, promoting prostitution and sex trafficking can be found in Appendix 1.

<sup>5</sup> AS 11.66.110.

<sup>6</sup> AS 11.66.120.

- (3) offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for travel; in this paragraph, “commercial sexual conduct” means sexual conduct for which anything of value is given or received by any person.

Sex trafficking in the third degree,<sup>7</sup> a class C felony, is implicated when a person:

- (1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution; or
- (2) as other than a patron of a prostitute, induces or causes a person 20 years of age or older to engage in prostitution; or
- (3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or
- (4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

Similar to the TVPA, Alaska law has subsections for sex trafficking in the first and third degrees that deal specifically with the sex trafficking of minors. Alaska law sets the age limit at 20, whereas federal law uses 18. Finally, there is sex trafficking in the fourth degree,<sup>8</sup> a class A misdemeanor. This occurs if the person engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under AS 11.66.130(a)(4).

Under Alaska law, human trafficking in the first degree,<sup>9</sup> a class A felony, occurs when a person “compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.” Human trafficking in the second degree,<sup>10</sup> a class B felony, occurs when a person obtains a benefit from the commission of human trafficking in the first degree with reckless disregard that the benefit is a result of trafficking.

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<sup>7</sup> AS 11.66.130.

<sup>8</sup> AS 11.66.135.

<sup>9</sup> AS 11.41.360.

<sup>10</sup> AS 11.41.365.

## b. Types of Human Trafficking and Sex Trafficking

When you hear the phrase "human trafficking," an image of organized criminals forcing immigrants to perform difficult or dangerous work or sex for little or no compensation often comes to mind. In reality, human trafficking and sex trafficking can take different forms, making it difficult to identify the crime. For purposes of this report, there are two general categories: international trafficking and domestic trafficking. International trafficking involves the situation where a woman or man is coerced, forced, or deceived into forced labor or prostitution and brought from his or her home country to the United States. This is the type of human trafficking with which most people are familiar. Domestic trafficking also involves force, fraud or coercion,<sup>11</sup> but victims are trafficked within the United States, not over international borders. Both types of trafficking have occurred (and likely are occurring) in Alaska.

The majority of studies on human trafficking have focused on youth because it has generally been found that girls are first exploited between 12 to 14 years of age and boys between 11 and 13 years.<sup>12</sup> In Alaska, testimony from the FBI and the Anchorage Police Department pointed to the ages in Alaska being slightly higher, with girls generally being exploited between 15 and 17 years of age.

Between 244,000 and 325,000 American youth are considered at risk for sexual exploitation, and there are no estimates for those at risk of forced labor.<sup>13</sup> Although some studies have estimated the number of youth at risk of sexual exploitation, the number of youth that qualify as trafficking victims is still unknown.<sup>14</sup> There is a similar lack of information regarding specific needs of labor trafficking victims, whereas the literature on the needs of sex trafficking victims is more developed.<sup>15</sup>

In a study in Minnesota on the prostitution and trafficking of Native American women, the study found that the majority of women identified as victims exchanged sex

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<sup>11</sup> Under either a domestic or international human trafficking scenario, if the victim is under 18 (or in Alaska under age 20) and sex trafficking is involved, no force, fraud or coercion is necessary to show that sex trafficking has occurred.

<sup>12</sup> *Human Trafficking Into and Within the United States: A Review of the Literature*, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, pps. 8-9 (August 2009), <http://aspe.hhs.gov/hsp/07/HumanTrafficking/LitRev/index.shtml>, hereinafter referred to as "*A Review of the Literature*."

<sup>13</sup> *Id.* at p. 4.

<sup>14</sup> *Id.* at p. 5.

<sup>15</sup> *Id.* at p. 2.

for food, shelter or drugs at some point.<sup>16</sup> This is commonly referred to as "survival sex." The majority of women interviewed also identified a pimp or "boyfriend" to whom they gave most of their money.<sup>17</sup>

"Survival sex" presents a difficult issue because it does not fit into the traditional view of human trafficking. Although there may not be a specific facilitator involved, the use of "force or coercion" may still be used to induce the victims to prostitute themselves in exchange for shelter, food, drugs, etc. Also, as found in the Minnesota study, those persons that have engaged in survival sex may also be victims of more traditional sex trafficking.

### c. Who is At Risk? - Common Identifiers of Trafficking Victims

Although there are differences between labor trafficking and sex trafficking victims, the literature shows that there are still common risk factors among victims.<sup>18</sup> The testimony heard by the task force from service organizations and law enforcement confirmed that these factors generally hold true in Alaska as well. These factors include the following:<sup>19</sup>

- Poverty
- Young age
- Limited education
- Lack of work opportunities
- Homeless, orphan, run-away, thrown-away
- History of previous sexual abuse

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<sup>16</sup> *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*, Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark and Eileen Hudon, p. 25 (October 27, 2011), [http://www.prostitutionresearch.com/pdfs/Garden\\_of\\_Truth\\_Final\\_Project\\_WEB.pdf](http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf), hereinafter referred to as "*Garden of Truth*."

<sup>17</sup> *Ibid.*

<sup>18</sup> *A Review of the Literature*, *supra*, at p. 7.

<sup>19</sup> These factors were taken from the following studies: *A Review of Literature*, *supra*, at p. 7; *Garden of Truth*, *supra*, at pps. 40-42; *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*, Minnesota Indian Women's Resource Center, pps. 53-82 (November 2009), <http://www.miwrc.org/about-us-section-shattered-hearts-report>, hereinafter referred to as "*Shattered Hearts*"; *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, Shared Hope International, p. 49 (May 2009), <http://www.sharedhope.org/Resources/TheNationalReport.aspx>, hereinafter referred to as "*National Report on Domestic Minor Sex Trafficking*."

- Health, emotional or mental health challenges<sup>20 21</sup>
- Drug or alcohol addiction
- Post-traumatic stress disorder
- Multiple arrests
- Truancy or expelled from school
- Often mislabeled as rape, sexual assault or domestic violence victims
- Presence of an older boyfriend
- Multiple sexually transmitted diseases

d. Primary Needs of Trafficking Victims

Studies have also identified the primary needs of trafficking victims, which include the following:<sup>22</sup>

- Safe and secure housing (emergency, transitional and long-term)<sup>23</sup>
- Food and clothing
- Individual counseling and peer support
- Substance abuse treatment
- Medical services
- Legal assistance
- Job training and placement
- Education

### **III. Information Gathered from Agencies or Organizations that May Provide Services to Victims of Trafficking**

In order to establish a baseline for what services are currently available for victims of human trafficking and sex trafficking<sup>24</sup> as well as existing gaps in services, staff for

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<sup>20</sup> In the *Shattered Hearts* study in Minnesota, fetal alcohol spectrum disorder was found as a common medical condition among American Indian women who were victims of sexual exploitation. *Shattered Hearts, supra*, at p. 77.

<sup>21</sup> Many of the studies identified that many female trafficking victims have Stockholm syndrome, which makes them uncooperative witnesses. Overall, the studies agreed that trafficking victims generally do not view themselves as victims.

<sup>22</sup> See *A Review of Literature, supra*, at p. 12; *Garden of Truth, supra*, at p. 47.

<sup>23</sup> Because most trafficking victims have been arrested for prostitution or other crimes, accessing shelter and other services can be very difficult. *Garden of Truth, supra*, at p. 45.

<sup>24</sup> When the term "victim" is used in this report, it is referring to victims of human trafficking and sex trafficking, unless otherwise indicated.

the task force contacted state and federal agencies and non-governmental organizations (NGOs) around the state between August 6, 2012 and August 27, 2012. The goal was to identify organizations that had the potential to provide services to victims. Staff attempted to cover a broad range of NGOs, but this list does not represent all NGOs within the state that may provide services to victims, and there were also a small number of NGOs that staff was unable to contact.

The following NGOs responded to staff's request for information:

- Abused Women's Aid in Crisis (Anchorage)
- Alaska CARES (Providence Hospital, Anchorage)
- Alaska Network on Domestic Violence and Sexual Assault (state-wide)
- Arctic Women in Crisis (Barrow)
- Aiding Women in Abuse and Rape Emergencies (Juneau)
- Covenant House (Anchorage)
- Fairbanks Youth Advocates (Fairbanks)
- Alaska Immigration Justice Project (Anchorage and state-wide)
- Interior Alaska Center for Non-Violent Living (Fairbanks)
- Kodiak Women's Resource & Crisis Center (Kodiak)
- The Leeshore Center (Kenai)
- Maniiliq Family Crisis Center (Kotzebue)
- Safe and Fear Free Environment (Bristol Bay)
- Salvation Army (Anchorage and state-wide)
- Sitkans Against Family Violence (Sitka)
- Standing Together Against Rape (Anchorage)
- Unalaskans Against Sexual Assault and Family Violence (Unalaska)

Staff for the task force also gathered information from the following state and federal agencies: Alaska Violent Crimes Compensation Board, Alaska Department of Health and Social Services, and U.S. Department of Health and Human Services. Although the Alaska Violent Crimes Compensation Board has knowingly provided assistance to eleven victims of trafficking, none of the other employees within the state agencies had information specifically relating to trafficking victims (outside of the law enforcement context). The substance abuse, mental health, domestic violence and sexual assault programs that the state either funds or provides would all be open to victims of trafficking. Therefore, aside from a brief discussion of the U.S. Department of Health and



Human Services, the remainder of this section focuses on the services provided by NGOs.

a. Services Offered by the U.S. Department of Health and Human Services (USDHHS)

The Administration for Children and Families within the USDHHS administers the Campaign to Rescue and Restore Victims of Human Trafficking. The administration directly services foreign victims of human trafficking by assisting them with obtaining a certification that he or she is a victim of human trafficking, which allows them to gain access to public assistance for which they would otherwise be ineligible. The other services offered by the administration involve creating an awareness campaign and forming local and regional coalitions to fight human trafficking by distributing materials that can be used in any local or state campaign by both state agencies as well as NGOs.<sup>25</sup>

b. Services Offered by Non-Governmental Organizations

The primary mission of the majority of the NGOs interviewed is to assist female victims of domestic violence and sexual assault, although many organizations stated they also assist men with non-shelter needs. Three of the NGOs only address the needs of minors, and the majority of the shelters did not feel comfortable taking in unaccompanied minors without receiving parental permission for legal or liability reasons. If the NGO did not provide a specific service, it typically had referral organizations that it worked with on a regular basis.<sup>26</sup>

Out of all the NGOs surveyed, only one of them, the Alaska Immigration Justice Project, has a specific focus on, and expertise with, victims of human and sex trafficking. The other NGOs did not have any specific services for trafficking victims.

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<sup>25</sup> See [http://www.acf.hhs.gov/trafficking/rescue\\_restore/index.html](http://www.acf.hhs.gov/trafficking/rescue_restore/index.html).

<sup>26</sup> If the referrals were only done on an individual basis and a specific relationship with another organization was not formally established, these were not included as services offered by the NGO in the table.

The following table represents the main services provided by the NGOs interviewed:

<b>Service Offered</b>	<b>No. of NGOs Offering Service</b>	<b>Any Descriptors</b>
Medical	4	Advanced nurse practitioner (1); twice a month public health comes in (1); one-stop shop of medical services (1); conduct sexual assault response team (SART) exams (1)
Counseling	14	Available at facility or shelter (3); pro bono referral service (2); support groups and education groups
Emergency/Temporary Housing	11	Generally 30 days or less time limit; one or two allowed longer in certain circumstances; children engaged in sex trafficking usually in and out multiple times
Longer-Term Housing	2	Up to 2 years for transitional housing
Translation/Interpreter	5	Through telephone, volunteers or use of Alaska Immigration Justice Project
Immigration Services	2	
Legal Services (Attys)	3	Divorce, child custody, and protective orders
Legal Advocate (Non-Attys)	8	Divorce, child custody, protective orders, and immigration
Other: Food	3	
Other: Clothing	1	
Other: Job	2	Provide help finding employment
Other: Permanent Housing	4	Provide help finding permanent housing
Other: Financial	3	E.g., help with rent or other payments
Other: Outreach	4	Team on the streets or in schools providing info; raising awareness in the community

c. Organizations That Have Assisted Known Victims of Trafficking

Out of the 17 NGOs interviewed, 11 stated that they had assisted at least one victim of sex trafficking or human trafficking. In all of these cases, the NGOs identified the circumstances as sex trafficking and not forced labor. Only a few of the 11 organizations had any estimate on the number of victims they have assisted per year. Of the few that did have an estimate, the estimates were generally in the range of one or two per year. Most of the victims were from Alaska, although a few immigrant victims were identified, mainly from Russia and the Philippines. The majority of organizations did not have any protocol for identifying victims of trafficking nor did they keep track of victims of these types. At least two of the organizations admitted that the only known trafficking victims they had assisted had been referred by law enforcement, which is why they knew their status as trafficking victims. One of the organizations based in Anchorage noted that it had seen an increase in homeless Alaskan Native youth in the last year. It should also be noted that throughout the interviews, survivor sex came up as something that the organizations saw and heard about frequently, but these types of actions were not classified by the organizations as sex trafficking or prostitution in most circumstances.

d. Anecdotal Information from Organizations

Due to a lack of any formal intake procedures, the majority of the information on sex trafficking received from the NGOs was anecdotal. Although not definitive, these reports show that sex trafficking is occurring on some level within the state. However, it is impossible to know to what extent and whether there is any form of organized crime surrounding the trafficking. The following provides some examples of the anecdotal information obtained during the interviews:

- Most trafficking victims do not recognize it as trafficking and do not view themselves as victims.
- Most trafficking victims are distrustful of others and law enforcement in particular, which makes them unlikely to report. Additionally, their "boyfriends" have often threatened them if they tell anyone.
- Trafficking victims are likely to be homeless and have a history of child or sexual abuse prior to becoming trafficked.

- All of the organizations reported that if they knew of victims, they were female. However, some of the organizations believed that it was happening with males, but males are less likely to disclose than females.
- Most trafficking victims start as children.
- The majority of solicitation now occurs on the internet. Some of the rural organizations fear that before youth go to Anchorage, they are solicited and appointments are set up in advance. There was no direct evidence that this is happening.
- Some of the organizations noted that both survivor sex and more organized sex trafficking are often linked to substance abuse problems.
- A few of the rural organizations noted assisting mail-order brides who had been physically or sexually abused by their "husbands." This did not occur frequently in recent years, but was more prevalent in the '80's and '90's.
- One of the NGOs located in a rural area mentioned women arriving in the area lured by false promises from men, who then put them in a position of virtual slavery. The women cannot afford to fly back home and feel trapped under the man's control.
- The majority of NGOs in rural Alaska had not, to the best of their knowledge, assisted victims of sex trafficking or human trafficking.
- One organization in rural Alaska was notified of a man who was soliciting young women to come to Anchorage for modeling contracts. The hotel where he was staying was informed and kicked him out. This occurred recently.
- One organization based in an urban area has heard of young people being forced to do chores and housecleaning as well as young people being forced to have sex in exchange for shelter or housing. Couch surfing was also mentioned by a few organizations, and the teenagers would trade sex for a place to sleep.
- Many of the urban and rural NGOs who were unaware of having assisted known victims expressed concern that it was occurring in their community.

e. Needs Identified by Organizations

During the interviews, staff asked the organizations what they viewed as the most important needs for victims that were not being currently addressed. The following list represents the needs most often identified:

- Training on identifying and interviewing victims (only two organizations mentioned receiving or planning on attending any training specific to trafficking, but all expressed an interest);
- Longer-term secure housing;
- Secure housing and services for minors without parents or guardians;
- Peer-counseling with survivors of trafficking;
- Awareness and education for the community – how and where to report information; and
- Implementation of a "John's School" to deter those that purchase sex and increased prosecution of the johns (instead of the prostitutes) to attack the demand side of the problem.

f. Conclusions

Aside from the Alaska Immigration Justice Project, which directly assists immigrant victims through the legal process, there do not appear to be services specifically targeting trafficking victims. All of the organizations that have assisted victims believe that trafficking victims tend to need more intense and complex help because of the severe sexual and emotional abuse they have sustained. It was also noted by most of the organizations that these victims have longer-term needs that must be addressed in order to get them out of their situation – long-term housing, counseling, and substance abuse treatment.

It was also clear from the interviews that most NGOs lack any training in this area, and the majority mentioned a desire to have more training. Specifically, many of the NGOs expressed an interest in learning interviewing techniques that would garner trust and cooperation from these reticent victims.

Due to the lack of training and the general unwillingness of the victims to disclose their background, there is a lack of information on how prevalent trafficking is in Alaska and what is most needed to address the problem. However, although it is hard to discern

how extensive the problem is, it is apparent that survival sex and sex trafficking occur within Alaska, and that these victims present some of the most complex cases in terms of security, emotional and physical well-being.

#### **IV. Information Gathered from Law Enforcement**

Staff's preliminary review of state and local law enforcement's awareness and assessment of human and sex trafficking within the state involved (1) a review of the number of cases prosecuted under Alaska law on human trafficking and sex trafficking since 2007, and (2) telephone interviews with federal, state, and local law enforcement agencies across Alaska. The telephone interviews were conducted during the period of August 6, 2012 through August 22, 2012, with 13 police departments and 6 state trooper detachment headquarters across Alaska. The police chiefs and detachment commanders within the law enforcement agencies, or their designee were interviewed. To supplement the findings, interviews were also conducted with federal, state, and local prosecutors. The primary objective of the interview was to obtain information about the number of sex trafficking or human trafficking cases reported to state and local law enforcement agencies since 2007, and the number of cases state and local law enforcement agencies have investigated in cooperation with federal law enforcement agencies.

a. Cases Prosecuted under Alaska Law

The number of cases prosecuted statewide under Alaska law on human trafficking (AS 11.41.360- 365) and sex trafficking<sup>27</sup> (AS.66.100 – 130) for the period of January 1, 2007 through June 30, 2012:<sup>28</sup>

<b>AS 11.41.360</b>	<b>AS 11.66.110 – 135</b>	<b>AS 11.66.100</b>
<b>Human Trafficking</b>	<b>Sex Trafficking<sup>29</sup></b>	<b>Prostitution<sup>30</sup></b>
Referred: 0	Referred: 32	Referred: 89
Charged: 0	Charged: 27	Charged: 86
Convicted: 0	Convicted: 19	Convicted: 34

The number of dispositions in the Municipality of Anchorage under the city ordinances on sex trafficking and prostitution for the period of January 1, 2007 through June 30, 2012:<sup>31</sup>

<b>Anchorage Municipal Code</b>	<b>Anchorage Municipal Code</b>
<b>08.65.20, 08.65.110</b>	<b>08.65.030 - 100</b>
<b>Prostitution<sup>32</sup></b>	<b>Promoting Prostitution<sup>33</sup></b>
Dispositions: 745	Dispositions: 167

<sup>27</sup> This was formerly referred to as "promoting prostitution" prior to the legislation enacted in 2012.

<sup>28</sup> These numbers come from the Department of Law's code management system which presently has limited report writing capabilities. Hence, the report can only identify cases referred, accepted for prosecution and whether an offender was convicted of the offense accepted for prosecution. Therefore, an offender charged with kidnapping (an unclassified felony) and sex trafficking in the fourth degree (a class A misdemeanor), who entered into a plea agreement to plead guilty to the kidnapping in exchange for a dismissal of the misdemeanor sex trafficking offense, would not be included in the "convicted" category in this table. Also, this table does not include municipal prosecutions (see following table). Appendix 1 includes the text of the statutes cited.

<sup>29</sup> In January 2013, after this survey was completed, the District Attorney's Office in Kenai brought charges against two individuals under the new sex trafficking statutes enacted in 2012. This is the first case that will be prosecuted under the new statutes.

<sup>30</sup> The category of "Prostitution" includes individuals engaging in prostitution as well as patrons of prostitutes.

<sup>31</sup> The municipality's case management system outlines all dispositions, which includes those that were declined or dismissed.

<sup>32</sup> The category of "Prostitution" includes individuals engaging in prostitution as well as patrons of prostitutes. It also includes those charged with loitering for purposes of soliciting prostitution.

<sup>33</sup> The category of "Promoting Prostitution" includes the offenses of solicitation; offering to secure another for prostitution; transporting a person for purposes of prostitution; maintaining, owning or leasing a place where prostitution occurs; and coercing another to engage in prostitution.

b. Cases Reported to State and Local Law Enforcement

The number of cases reported to state and local law enforcement agencies in the state for the period of January 1, 2007 through August 22, 2012:

<b>Police Departments</b>	<b>Alaska State Troopers</b>
Labor Trafficking: 0	Labor Trafficking: 0
Sex Trafficking: 0	Sex Trafficking: 0

The number of cases state and local law enforcement agencies have investigated in cooperation with federal law enforcement agencies for the period of January 1, 2007 through August 22, 2012:

<b>Police Departments</b>	<b>Alaska State Troopers</b>
Labor Trafficking: 0	Labor Trafficking: 0
Sex Trafficking: 2	Sex Trafficking: 0

FBI Anchorage reports that they have had approximately 10 human trafficking cases – seven sex trafficking and three labor trafficking. Two of the sex trafficking cases have been prosecuted to date, and both were joint cases with the Anchorage Police Department Vice Unit. Other state and local police law enforcement have assisted the FBI with locating victims on these cases, although they may not have known it was for trafficking. Law enforcement agencies are also currently assisting the FBI with three labor trafficking cases by providing them with information and victim location information but are not actively part of the investigation. Two of the labor trafficking cases are in Anchorage and one is in rural Alaska.

c. Federal Case Summaries

i. *Case 1 – Don Arthur Webster Jr.*

Don Arthur Webster Jr., also known as "Jerry Starr," was convicted by a federal jury on February 5, 2008, in the first sex trafficking trial in the District of Alaska. After 11 days of testimony, the jury found Webster guilty on two counts of sex trafficking of a minor; nine counts of sex trafficking of adults by force, fraud, or coercion; two counts of distributing crack cocaine to a pregnant woman; four counts of distributing crack cocaine to individuals under the age of 21; and eight counts of distributing crack cocaine.



Webster was also convicted of one count of maintaining premises for the purpose of manufacturing and distributing crack cocaine, and one count of manufacturing crack cocaine.

*Outcome of the Case:* Webster was sentenced to 360 months in prison for sex trafficking of minors and adults, as well as drug trafficking offenses, placed on lifetime supervised release following his prison term, and ordered to pay \$3.6 million in restitution to the 11 victims who were underage or forced and/or coerced by Webster into commercial sex transactions.

The U.S. Attorney's Office and Department of Justice worked the case along with special agents from the FBI and the Vice Unit of the Anchorage Police Department, as part of the Alaska Human Trafficking Task Force.

*ii. Case 2 – Sabil Mumin Mujahid, Sidney Greene, Rand Hooks, Keyana Marshall*

In December 2009, Sabil Mumin Mujahid, Sidney Greene, Rand Hooks, and Keyana Marshall, were indicted in federal court for running a prostitution ring with 17 women and three girls. Prosecutors accused Mujahid and Greene of being the ringleaders. Hooks allegedly owned the Anchorage building where the trafficking took place and Marshall was accused of helping to post photos of the victims on Craigslist.

*Outcome of the Case:* Mujahid was convicted of being a felon in possession of a firearm following his indictment for running a prostitution ring and sentenced to 10 years in prison. While incarcerated for being a felon in possession of a firearm at the Anchorage Correctional Center, Mujahid raped, sodomized and sexually abused four men and tried to sexually assault two others between May 3, 2009 and May 26, 2010. He received a 40-year sentence. The U.S. Attorney's Office dropped the federal charges of running a prostitution ring, stating the defendant was 50 years of age and is already serving a lengthy sentence for the other crimes. He was also representing himself and the decision to drop the federal sex trafficking charge prevented the defendant from being able to interview victims. The other three defendants were convicted. Rand Hook, the landlord, was sentenced to supervised probation; Keyana Marshall was sentenced to four years and supervised probation; and Sidney Green is taking a plea for a 12-year sentence.

The Anchorage Police Department Vice Unit, the FBI, and the Internal Revenue Service–Criminal Investigation conducted the investigation leading to the indictments in this case. They were assisted by agents and detectives from the Innocence Lost Task Force and the Alaska Internet Crimes Against Children Task Force. The case was prosecuted by the U.S. Attorney's Office with assistance from the Child Exploitation and Obscenity Section of the Justice Department's Criminal Division and the Criminal Section of the Justice Department's Civil Rights Division.

d. State and Local Law Enforcement Telephone Interviews

The telephone interviews provided an important opportunity to understand how state and local law enforcement agencies perceive the problem of human trafficking in their communities, and what may be needed to identify and investigate human trafficking cases. Information was gathered on (1) their perception of human trafficking; (2) ways human trafficking might come to their attention; (3) the challenges they face in identifying human trafficking; and (4) the most effective methods and resources for training to identify and investigate human trafficking.

i. *State and local law enforcement perception of human trafficking problems in their community*

Over 70 percent of local and state law enforcement agencies interviewed perceive human trafficking as not likely occurring in their local communities. There is little difference in their perceptions of sex trafficking versus labor trafficking - both types are perceived as rare or non-existent. State and local law enforcement serving larger communities (Anchorage and Fairbanks) perceive human trafficking, particularly sex trafficking as somewhat more pervasive, especially in Anchorage, where local law enforcement have investigated sex trafficking cases. However, due to the underground nature of human trafficking, it can be happening anywhere. Traffickers may also seek the seclusion of rural and remote areas to operate.

Audrey Renschen, with the U.S. Attorney's Office, thinks one of the best things we can do for our state is outreach. She explained, "It will help us identify victims, and prosecute the perpetrators. The dynamics of human trafficking resemble other interpersonal violent crimes, but there are additional dimensions unique to the crimes, that really require explanation, and that are not immediately intuitive."

*ii. Ways human trafficking first comes to the attention of state and local law Enforcement*

Ninety-five percent of state and local law enforcement interviewed believe there is a connection between human trafficking and criminal activities such as prostitution, drug offenses, and domestic violence. Fifty-five percent believe missing person reports should be carefully scrutinized as possible human trafficking cases. Tips from members of the community may be another source to identify trafficking cases. Over 70 percent stated they have not received training focusing on the issues of sex trafficking in cases of prostitution of women and children or production of pornography. Nearly 95 percent say they have not had any training on forced labor issues. Local and state law enforcement reported that in and around the coastal communities they serve, canneries and fish processing plants at times have raised some concerns when they noticed large groups of workers sharing a small dwelling, with very few possessions. In western Alaska communities, there has been speculation that certain restaurants and taxi services form a circuit where the workers travel from one community to another. However, those interviewed stated that there have not been any complaints or reports brought to their attention regarding either the fish processing operations or restaurant/taxi services. Without specific training on the indicators of human trafficking, some speculate they may be coming across victims of trafficking without knowing it.

*iii. Challenges that state and local law enforcement face in identifying human trafficking cases*

Seventy-two percent of those interviewed acknowledged there is a lack of awareness and understanding among state and local law enforcement to identify the existence of human trafficking. Another challenge to overcome is the lack of resources within their agencies. Eighty-two percent do not believe they have the resources to identify and investigate trafficking cases when there are higher priority cases such as sexual assault and domestic violence. Another challenge is the lack of awareness or concern about human trafficking within their communities. The reality remains that many people do not know or understand much about human trafficking as it occurs in Alaska.

*iv. The most effective methods and resources for training to identify and investigate human trafficking*

As with any new crime, officers need training and guidance to help them understand if they have come across a case of human trafficking and know how to respond to the situation. Eighty-nine percent of those interviewed identified in-service as the most effective method of training. New recruit training and off-site professional training follows as the next effective methods with roll call briefing and online/webinar-based training close behind. The least effective methods identified are publications and regional/national conferences.

e. Conclusions

The results of the telephone interviews indicate the need for increased awareness of human trafficking. Training for local and state law enforcement statewide is needed to identify the signs of human and sex trafficking, the methods to respond to it, and the importance of raising public awareness of what human trafficking is and how to report it.

**V. Overview of Public Hearings, Testimony and Comments**

The task force felt that it was important to receive testimony from communities representing the different parts of the state—urban to rural. To accomplish this goal, the task force held hearings in three locations: Anchorage (November 5, 2012), Hooper Bay (December 13, 2012), and Bethel (December 13, 2012). The task force also encouraged the submission of written comments, which were taken into consideration when making its recommendations. The minutes and transcripts for all of the task force meetings can be found in Appendix 3. The written comments received by the task force can be found in Appendix 4.

a. Summary of Presentations Made to the Task Force

In addition to taking public testimony, the task force invited certain agencies and organizations that had relevant expertise to present information on the topic of human and sex trafficking. The presenters included Jolene Goeden with the FBI, Audrey Renschen with the United States Department of Justice, Sgt. Kathleen Lacey with the Anchorage Police Department, Robin Bronen with the Alaska Immigration Justice Project, Alison Kear and Diane Bline with the Covenant House, Lisa Moreno on behalf

of the Ad Hoc NGO Working Group on Sex Trafficking, Dr. Mark Erickson with the Southcentral Foundation, and Dr. Linda Chamberlain with the Department of Health and Social Services. Their presentations can be read verbatim in the hearing transcripts in Appendix 3.

From these presentations, the task force gained more insight into the issue of human trafficking in Alaska as well as where information is lacking. The presentations from law enforcement, the Alaska Immigration Justice Project and the Covenant House showed that sex trafficking is occurring in Anchorage as well as other areas in Alaska, and there are general trends in the way the trafficking occurs. Often, the traffickers or pimps hold themselves out as loving boyfriends and buy the girls gifts, and once the girls are fully "groomed," the other shoe drops and the violence and sexual assault begins. Many of the victims are homeless or runaways, who are first prostituted as teenagers but may continue being trafficked as adults. Many of the victims were molested as children or lived in households where they witnessed domestic violence and sexual assault.

The presentation from the Ad Hoc NGO Working Group on Sex Trafficking provided the task force with national studies and information on sex trafficking. The working group also presented the recommendations they had developed to assist victims and help prevent sex trafficking in Alaska. This provided a good starting place for the task force.

Dr. Mark Erickson and Dr. Linda Chamberlain rounded out the presentations with a focus on adverse childhood trauma. As discussed above, most victims of human trafficking have experienced trauma as a child, making them more susceptible to becoming ensnared by a trafficker. Dr. Erickson and Dr. Chamberlain described new studies that have come out showing the correlation between adverse childhood trauma and emotional, psychological and brain development. Dr. Erickson also recommended programs that promote bonding between a mother and an infant that have been successful in decreasing the likelihood that the child will experience trauma.

Although the presentations shared a lot of useful information with the task force, they also highlighted the areas where information is lacking. The task force learned that because these victims are the least likely to report, it is impossible to gauge how prevalent the issue is, especially in relation to male victims who are less likely than female victims to report. Even more so than sex trafficking, there is very little evidence or information on labor trafficking in Alaska. The FBI is currently investigating three

cases, but the rest of the information only amounts to rumors or suspicions. For these reasons, it is difficult to gain an understanding of what geographic locations are more at risk and where resources should be focused.

b. Summary of Testimony and Comments Received by the Task Force

The task force received testimony from members of the public on a range of topics, such as wage and hour laws for dancers at clubs, heightening the penalties for traffickers and patrons of prostitutes, and the lack of in-take procedures by service organizations and law enforcement that could help identify victims. The verbal and written comments can be found in Appendices 3 and 4.

## **VI. Task Force Recommendations**

During the course of the public hearings, the task force received many suggestions from various organizations and members of the public. The task force carefully considered all of this input, and based on the comments received and its own independent investigation, makes the following recommendations:<sup>34</sup>

### **1. Establish a Permanent Working Group on Human and Sex Trafficking**

A vehicle should be developed to continue the work of the task force. With the limited time the task force had to evaluate and develop recommendations, there is still much information that is unknown on the prevalence of trafficking and much left to do to combat it. The task force also believes it is important to have a designated organization or group focused on this issue to ensure that efforts continue to improve victims' services and increase preventative measures.

Although there are likely many options for how to continue the work of the task force, the task force discussed establishing a working group with representatives from federal and state law enforcement, the Alaska Attorney General's Office, the Department of Health and Social Services (DHSS) and key service providers. State resources could be used to fund a coordinator position housed within the Council on Domestic Violence and

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<sup>34</sup> There were a number of suggested recommendations received by the task force that the task force chose not to include because it is already the law in Alaska. These suggested recommendations include: (1) establishing legislation that using a law enforcement decoy posing as a minor to investigate buying or selling of commercial sex acts is not a defense; (2) including trafficker in the definition of "caregiver" in the child welfare statutes; and (3) including the offense of sex trafficking as a reason for terminating parental rights.

Sexual Assault, or the council could provide a grant to establish the coordinator position in another organization.

The evidence shows that victims of trafficking often have needs similar to victims of domestic violence and sexual assault. Additionally, human trafficking victims are often miscategorized as victims of domestic violence or sexual assault. Therefore, the council would be a good agency in which to house a coordinator and/or working group, and the council's mission could be expanded to include human trafficking. An evaluation should be done on the resources of the council, and their current work should not be diminished by the addition of human trafficking to their agenda. If necessary, additional resources should be provided to the council to ensure it can properly carry out its duties in relation to domestic violence, sexual assault and human trafficking.

The task force recommends that once established, the working group address the following:

- Identify ways to improve data-sharing on runaways and homeless youth between service providers and the state.
- Evaluate options for reducing demand and provide recommendations for what demand-reduction measures to implement. This should include an evaluation of the use of "John's Schools" (i.e., programs for first-time offenders who are convicted of patronizing a prostitute). For more information on demand-reduction measures, go to <http://www.demandforum.net/>.
- Evaluate ways in which to promote and expand the availability of shelter for unaccompanied minors (i.e., homeless and runaway youth). Many service organizations stated that they are prohibited from taking in unaccompanied youth unless the child is placed in their custody by the state. Staff researched this issue and discussed it with organizations, and it's apparent that the issue is more complex than simply a statute change. Therefore, more research is necessary, in addition to consultations between the service providers and state agencies involved with this issue.
- Assist with the implementation, if deemed appropriate, of the other recommendations in this report.

## **2. High Profile Media Campaign**

Public awareness is an important component of any attempt to encourage current victims to come forward for help and to prevent other potential victims from falling prey to traffickers. The media campaign should involve efforts similar to those used to battle drunk driving and domestic violence / sexual assault. The task force proposes that public service announcements for radio and TV and posters in areas frequented by traffickers, such as the transit station in Anchorage and malls in urban areas, would be particularly helpful. To have an effective media campaign, additional money would likely need to be appropriated.

## **3. Develop Mechanism to Allow Victim Advocate Access to Potential Trafficking Victim**

Building trust with trafficking victims is the first step in helping the victim. The evidence from the FBI showed that it generally required multiple contacts with victims before they would admit to being victims, accept help and support, and agree to testify against the trafficker. This unwillingness to accept being a victim also means that the victim is not receiving the assistance that is likely needed. To assist with building this trust and encouraging victims to self-identify, the task force recommends developing protocols requiring a victim advocate to be brought in when a potential trafficking victim is identified. This could be done through the creation of relationships with private entities. A victim advocate from a private entity would ensure that there was not a conflict with law enforcement or prosecutors talking to the victim and create an environment where the victim would feel safe to speak openly with the victim advocate.

## **4. Educate Youth on Human and Sex Trafficking**

Educating Alaska's youth on the dangers of human trafficking and the process traffickers use to groom and lure their victims is of utmost importance in advancing the state's prevention efforts. The average age that young women in Alaska are first brought in to the world of trafficking is 15 to 17 years old. Although this type of education will not prevent every potential victim from falling prey, it could stop some of them, and it would also help youth to identify when their friends or family members may be in danger. The task force proposes the development of two high quality videos—one targeted at rural youth and one targeted at urban youth. Although the initial cost may be high to produce the videos, they could be easily reproduced and distributed to school districts and



youth organizations around the state, which would reduce the manpower that would be required for in-person training or curriculum development.

#### **5. Train Law Enforcement, DHSS, Prosecutors and Key Service Providers**

Training on how to identify and assist victims of trafficking is vital to making an impact on this issue. This training needs to occur across all agencies and providers that potentially come into contact with victims, including law enforcement, DHSS, prosecutors and key service providers. The other aspect to training that is critical is the development of a coordinated emergency response, in which the various agencies and entities know who to call and what to do if a potential victim is identified. The initial training on how to identify victims should be implemented as soon as possible. For example, there was testimony that law enforcement has already begun integrating trafficking into their training. The coordinated emergency response may take some time to develop, but it is a vital piece to ensuring an effective response plan.

#### **6. Amend Administrative Subpoena Law to Encompass Trafficking Statutes**

Traffickers often use websites to advertise women or children for sex, which makes it difficult to investigate these crimes. Amending the administrative subpoena law in AS 44.23.080 to include the trafficking statutes (AS 11.41.360, 11.66.110-135) would provide a helpful investigatory tool that law enforcement could use. The statute should also be amended to include the company that runs the website where the advertisements are posted (e.g., backpage.com and craigslist), instead of just the internet service provider. This will allow law enforcement to find out who is posting the advertisements.

#### **7. Establish Pre-Trial Diversion Programs for Persons Arrested for Prostitution**

Pre-trial diversion programs should be established for persons arrested for prostitution. Although not all prostituted individuals are trafficked, it is likely that a large number of them are victims of trafficking. Instead of sending them to jail, a diversion program could provide a better opportunity to garner trust and eventually gain information on traffickers. Without a diversion program, these potential trafficking victims often end up back in the control of their traffickers as soon as they are released on

bail or even while they are in jail. Offering a diversion program is also another step towards recognizing that many of these women and young adults are victims and not criminals.

## **8. Update Population and In-Take Surveys to Better Identify Potential Trafficking Victims**

Population surveys and in-take surveys serve two different purposes, and including questions on both types of surveys that relate to human trafficking would be helpful in gathering data. Population surveys could assist the state in finding out how prevalent the issue of human trafficking is in Alaska and what geographic areas appear to have more activity. On the other hand, in-take surveys help identify whether an individual is likely to be a victim of trafficking, which would assist the service provider or law enforcement officer in helping the victim. Other national studies have shown that trafficking victims are often misidentified as domestic violence or sexual assault victims. Although the services offered can still be helpful, this misidentification fails to paint the larger picture of what the victim has gone through and the danger he or she may be in. Ensuring that service providers, law enforcement and the DHSS integrate questions relating to trafficking into their in-take surveys would make sure victims are properly identified.

The task force discussed the following as potential options:

- Integrate questions into BRFSS (Behavioral Risk Factor Surveillance System) and YRBSS (Youth Risk Behavior Surveillance System).
- Integrate questions into law enforcement in-take procedures.
- Make it a requirement when providing a grant to a service organization that their in-take procedures include questions relating to trafficking.

## **9. Continue Efforts on Language Access**

There are ongoing efforts by the Department of Law and other state agencies to address language access for victims. These continued efforts are also important for victims of trafficking whose native language may not be English. An inability to communicate can lead to misidentification of the victim as well as a continued sense of vulnerability and isolation by the victim, especially if the victim is from another country and fears deportation. In particular, there should be a focus on identifying when an

interpreter is needed. If its not properly identified, then the resources that are available will not be utilized appropriately. The Department of Law is currently in the process of finalizing language access guidelines and protocols. This can be a template for other agencies to use once it is completed.

#### **10. Encourage Establishment of Safe Shelters, Both Short and Long-Term**

Trafficking victims have many needs, but chief among them is safe shelter. As the testimony of the Anchorage Police Department and the FBI showed, trafficking victims are often homeless and depend on the shelter provided by the trafficker. Currently, there are no shelters devoted to assisting trafficking victims, but many domestic violence and sexual assault shelters have provided shelter to victims in the past. Whether it be shelter devoted to trafficking victims or safe shelter generally, this is an area that needs improvement.

The task force discussed ensuring that funding is sufficient to encourage the development of safe shelters. The task force also discussed partnerships that can be built with local organizations, such as churches and other faith-based organizations, where individuals may be willing to house victims for a certain period of time. The task force believes all viable options that would increase the availability of safe shelter should be pursued.

#### **11. Create a Mechanism to Ensure Housing of Unaccompanied Minors in Emergency Circumstances**

As discussed above in Recommendation 1, there is a lack of shelter for unaccompanied minors. Although the working group should focus on the long-term goal of alleviating this issue, the task force recommends that in the short-term, a mechanism should be developed to ensure housing of unaccompanied minors in emergency situations when parental consent is not possible or practical. The task force was unable to form a specific proposal due to the lack of time and resources. Therefore, this will require the interested parties to come together and discuss the best approach to facilitating emergency housing for this at risk group.

## **12. Develop Hotline and Emergency Response for Hotline**

Along with the public service announcements referenced in Recommendation 2, a state and/or national hotline should be posted in places where victims are known to frequent, but only after a coordinated emergency response plan is in place. There is already a national hotline hosted by the Polaris Project that will connect victims with resources in their area. It is unclear exactly what resources the hotline would connect victims to in Alaska, and the state should work with the Polaris Project to create an accurate list. The task force also discussed establishing a state hotline. In either case, it would be important to have the coordinated emergency response plan in place in advance.

## **13. Evaluate Legislation to Allow the Expungement of Prior Prostitution Convictions of Trafficking Victims**

Prior prostitution convictions can be a major hurdle for a trafficking victim in finding a job or housing once he or she has been extracted from the trafficker. To eliminate these prior convictions, the records would have to be expunged, which is currently not permitted in Alaska. Some of the task force members expressed concern at the potential unintended ramifications of expungement and were not ready to make a recommendation to amend the criminal statutes. However, the task force members did agree that this is an important issue and should be evaluated further. Some of the task force members also felt very strongly that expungement should be permitted in these circumstances considering that these individuals are victims not criminals, and society has a strong interest in returning them to gainful employment and back to the mainstream.

## Appendix D

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February 21, 2012

The Honorable Mike Chenault  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Chenault,

As we continue our efforts to combat crime to ensure safe homes and strong families in Alaska, I am transmitting a bill under the authority of Article III, Section 18 of the Alaska Constitution relating to conspiracy to commit human trafficking in the first degree or sex trafficking in the first degree; relating to the crime of furnishing indecent material to minors, the crime of online enticement of a minor, and the crime of sex trafficking; relating to forfeiture of property used in prostitution offenses; relating to sex offender registration; relating to testimony by videoconference; and adding Rule 38.3, Alaska Rules of Criminal Procedure.

Alaska law imposes the most severe penalty, an unclassified felony, for persons who exploit children by inducing them to engage in prostitution. It is also a Class A felony for a person to force another adult to engage in prostitution. The law also prohibits other conduct that encourages or allows for promotion of prostitution.

When children are victimized in Alaska, they should not be labeled with the actions of the offender who solicits sex, organizes its sale, and exploits children. This bill changes the terminology for the crime by describing the offender's conduct as sex trafficking rather than promoting prostitution.

Traffickers prey on the most vulnerable in our society – young girls and boys who may have tragically experienced varying levels of physical and sexual abuse and are often homeless. The most frequent entry age into prostitution for girls is 12 to 14 years old. We believe that any child engaged in prostitution (under the age of 18) is being trafficked, and thus, is victim of a severe and serious crime rather than a prostitute.

The crimes of sex trafficking and human trafficking are serious offenses which violate the most basic human rights and deprive victims of every shred of personal freedom. These crimes are often perpetrated by offenders working together. Cooperating to encourage victims to come to the state for illegal activity, or to induce children to engage in prostitution makes the ultimate offenses, human trafficking or sex trafficking, more likely to occur. To address this likelihood, the bill would add human trafficking in the first degree and sex trafficking in the first degree to the crimes defined as serious felony offenses for purposes of our conspiracy law.

**House Bill No. 359**

## Appendix E

Ad Hoc NGO Working Group recommendations

1



### Recommended Actions To Address Sex Trafficking in Alaska

Ad Hoc NGO Working Group on Sex Trafficking in Alaska

#### Introduction

Sex trafficking is one form of human trafficking and is considered a modern form of slavery. The Trafficking Victims Protection Act of 2000 (22 USC. 7102) defined sex trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, and severe forms as when a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.

The U.S. government estimates that 14,500-17,500<sup>1</sup> individuals from other countries are trafficked into the United States annually for forced labor or sexual exploitation, or both. U.S. citizens and legal residents are also victims of human trafficking, some are moved to other states, moved among communities in their own states and others are held against their will in their own home towns.

According to the U.S. Department of Justice, between 2008 and 2010, federally funded task forces on human trafficking opened 2,515 investigations of human trafficking cases.<sup>2</sup> Eighty-two percent of the incidents reported involved sex trafficking, 11 percent involved labor trafficking and seven percent were unknown. Eighty-three percent of the victims in the sex trafficking incidents were U.S. citizens. In 2001, researchers estimated that between 244,501 and 286,506 youth in the U.S. to be at risk for commercial sexual exploitation.<sup>3</sup>

Since 2000, the federal government and states have been proactive in efforts to eradicate human trafficking by establishing task forces, building collaborations across agencies and service fields, training

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<sup>1</sup> Clawson, H. Dutch, N., Salomon, A & Goldblatt Grace, L. (2009). *Human trafficking into and within the United States: A review of the literature*. U.S. Department of Health and Human Services.

<sup>2</sup> Banks, D., & Kyckelhahn, T. (2011). *Characteristics of suspected human trafficking incidents, 2008-2010. Special Report*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

<sup>3</sup> Estes, R. & Weiner, N. (2001) *The commercial sexual exploitation of children in the U.S., Canada and Mexico*. Philadelphia: University of Pennsylvania.

law enforcement and service providers, collecting data, developing prevention strategies, implementing strategies to reduce demand, and establishing innovative ways to support victims.

Alaskans are also taking action. In the 2012 legislative session, the Alaska State Legislature created an official governmental task force to study the topic and updated the definition of sex trafficking:

“A person commits the crime of sex trafficking in the first degree if the person  
 (1) induces or causes a person to engage in prostitution through use of force.  
 (2) as other than a patron of a prostitute, induces or causes a person under 20 years of age to engage in prostitution; or  
 (3) induces or causes a person in that person’s legal custody to engage in prostitution.”<sup>4</sup>

### The Ad Hoc NGO Working Group on Sex Trafficking in Alaska

The Ad Hoc NGO Working Group (hereafter referred to as “the Working Group”) on Sex Trafficking was convened by the Cook Inlet Tribal Council (CITC) in May, 2012 when the Alaska First Lady, Sandy Parnell, requested meeting to discuss trafficking of Alaska Native youth. The Working Group consisted of the NGO representatives who attended the meeting. Attendees decided to explore the issue, attempt to develop some recommendations for action, and to reconvene in the fall of 2012.

The Working Group included the following organizations:

- *Cook Inlet Tribal Council*
- *Alaska Immigration Justice Project (AIJP)*
- *YWCA Alaska*
- *Covenant House Alaska*
- *Southcentral Foundation (SCF)*
- *Native American Rights Fund (NARF)*
- *Anchorage Community Mental Health Services (ACMHS)*
- *First Alaskans Institute*
- *Tundra Women’s Coalition (TWC)*
- *Alaska Native Justice Center (ANJC)*

The following entities served in an advisory capacity:

- *The Alaska Department of Juvenile Justice (DJJ)*
- *Anchorage Police Department, Vice Unit (APD)*
- *Federal Bureau of Investigation, Innocence Lost Task Force (FBI)*

The Working Group, convened and staffed by CITC staff member, Lisa Moreno, met as a whole, twice from July to August 2012. The Working Group identified six subgroups: 1) emergency response, 2) prevention, education and outreach, 3) training, 4) data collection 5) statutory review, and 6) overarching strategic framework. With the exception of the strategic framework subgroup, all groups met at least once, in some form. The first three groups—emergency response, prevention, education and outreach and training each met twice. The Native American Rights Fund donated their staff time to complete the statutory and legal review. This report is a presentation of the group’s recommendations.

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<sup>4</sup> *Sec. 8 AS 11.66.110(a)*

### Background: Sex Trafficking in Alaska

Since 2001, there have been six prosecutions for sex trafficking—The Crazy Horse case in 2001, Josef Boehm in 2005, Don Webster/Jerry Starr in 2008, and Sabil Mumin Mujahid in 2009. Two additional cases have been indicted more recently, a case in Homer in 2011, and a more recent case for which no details are publically available. These six cases involved a total of 105 victims, 20 percent of whom were Alaska Native. Forty percent of the total victims were minors.<sup>5</sup> The perpetrators make money off of their victims, a lot of money. The U.S. Department of Labor estimated that Don Webster, aka Jerry Starr, made \$3.6 million off of 13 of his 25 known victims. The agency considered the estimate “conservative”.<sup>6</sup>

In addition, Covenant House Alaska reports that their staff members are informed by their residents of two cases of trafficking and or survival sex from their service population per month.<sup>7</sup> The Anchorage Police Department reports having made 102 arrests for prostitution from 200 to 2012, and 3 percent of the women arrested were Alaska Native.<sup>8</sup> Beyond these cases and numbers, little is known about the scope of the problem in Alaska.

In 2008, Alaska was home to the tenth highest concentration of homeless individuals in the U.S.<sup>9</sup> and in 2002, Alaska had the highest rate of reported forcible rape in the country.<sup>10</sup> The state has one of the five highest rates of child abuse in the country,<sup>11</sup> and 58.6 percent of women in Alaska experienced intimate partner violence, sexual violence or both in their lifetimes.<sup>12</sup> The child sexual assault rate for Alaska is more than six times the national average.<sup>13</sup> Twenty-one percent of Alaskans reported binge drinking in the Behavioral Risk Factor Surveillance System survey in 2010.<sup>14</sup>

In research based on interviews with adult and child victims of prostitution and sex trafficking, victims’ vulnerability is caused by trauma related to child sexual abuse, physical abuse and neglect, domestic violence, rape, and vulnerability caused by poverty, homelessness, substance abuse, lack of family structure, gender identity formation, disability, dislocation caused by migration, school failure and lack of opportunity.<sup>15</sup> In thinking about sex trafficking, it is difficult to overstate the impact of childhood abuse and neglect. In the research noted above, researchers found, recurrently, that the vast majority of victims were maltreated as children. If one were to name a single root cause for sex trafficking it would surely be childhood maltreatment. Given the high rates of vulnerability and trauma in the Alaska population, it is possible that Alaska also has a large pool of people at risk of being recruited into sex trafficking.

We know from anecdotal evidence, police investigation and prosecution data that trafficking is happening in Alaska. However, concrete action is stymied by the current paucity of prevalence data and research detailing the occurrence and forms of sex trafficking in Alaska. Designing programs would be

<sup>5</sup> J. Goeden (personal communication, September 18, 2012)

<sup>6</sup> J. Goeden. (personal communication, September 14, 2012).

<sup>7</sup> D. Bline and M. Dompier. (personal communication, June 8, 2012).

<sup>8</sup> K. Lacey & D. Neer (personal communication, September 18, 2012)

<sup>9</sup> Justice Center, University of Alaska Anchorage. (2009). *A look at homelessness in Alaska*. *Alaska Justice Forum*, 26(2), pp. 2-5.

<sup>10</sup> Justice Center, University of Alaska Anchorage. (2006). *Forcible rapes and sexual assaults in Anchorage*. *Alaska Justice Forum*, 22(4), Winter 2006.

<sup>11</sup> Providence Health & Services. (2012). *Facts about child sexual abuse*.

<sup>12</sup> Justice Center, University of Alaska Anchorage. (2010). *Intimate partner violence and sexual violence in the State of Alaska: Key results from the 2010 Alaska victimization survey*. *Alaska Victimization Survey*. <http://justice.uaa.alaska.edu/avs>

<sup>13</sup> Martin, S., & Villalobos Melendez, A. (2010) *Youth in Crisis. Characteristics of homeless youth served by Covenant House Alaska*. Institute of Social and Economic Research, University of Alaska Anchorage.

<sup>14</sup> Alaska Division of Public Health. (2010) *Alaska BRFSS highlights 2010*. Department of Health and Social Services, State of Alaska.

<sup>15</sup> Farley, M., Matthews, N., Deer, S., Lopez, G., Stark, C. & Hudon, E. (2011). *Garden of truth: The prostitution and trafficking of Native women in Minnesota*. St. Paul, MN: William Mitchell College of Law.

Estes, R. & Weiner, N. (2001). *The commercial sexual exploitation of children in the U.S., Canada and Mexico*. Philadelphia, PA: University of Pennsylvania.



easier if we knew how, and at what age people in Alaska tend to be recruited, and what services at what points would have helped them escape once recruited. However, there is sufficient national and international research and concrete examples of action from other states in the country to guide the development of a basic framework for action in Alaska in spite of the lack of Alaska specific research. In short, action can be taken in the immediate range while research can be done to inform a longer-range response. For that reason, these recommendations are presented in a phased approach.

#### **Recommendations for Alaska 4-P Response:**

##### **PREVENTION, PROTECTION, PROSECUTION & PARTNERSHIP**

The United Nations Palermo Protocol and the Trafficking Victims Protection Act of 2000 provided a framework for developing a comprehensive response to trafficking called the three “P”s: prevention, protection, and prosecution. A fourth “P”, “partnership” was added to the framework in 2009. This report will utilize the Four “P” framework, and recommends action in a phased action plan.

#### **Ad Hoc NGO Working Group Recommendations—Phase I**

##### **PREVENTION—PHASE I**

- **Data Collection**

As mentioned above, without Alaska specific data, developing a response appropriate to Alaska is stymied. A data collection effort should begin with an assessment of known details of trafficking in Alaska and the gaps in our knowledge, based on interviews with anyone who has actually dealt with the existing cases and investigations. In addition, it is important to do a thorough assessment of national, state and local data collection efforts to identify the best ways to track and measure the problem. Once the key measures used elsewhere are identified, the next step would be identifying measures in Alaska that will help us assess and measure this problem. An assessment of the demand for commercial sex and the economics of commercial sex would help inform demand reduction policy development.

An assessment of this type could be contracted out to a research firm for approximately \$40,000. In fact, the McDowell Group has an epidemiologist on staff who worked for the International Organization for Migration in Moldova collecting data from victims of sex trafficking and supporting coordination efforts in the U.S. in Georgia.

- **Public Education--Post the National Hotline Number**

One simple action, posting the national hotline number, could make a world of difference for some victims. Anecdotal information suggests that many victims escape their situation through the use of the hotline. The national human trafficking hotline is a 24-hour hotline and has the capacity for immediate simultaneous translation into a number of languages, including Yup'ik. This number should be publicized around the state in locations that victims may frequent. It should also be posted in multiple languages. Washington State posted the number in bathroom stalls in highway rest stops and included the information in the posters employers were already required to post. Texas required the information posted in all locations where alcohol was sold.

Because many locations may not voluntarily post this number, massage parlors or strip clubs, we propose amending the public accommodations statute (Alaska Statute 18.35) to require the number be posted. This recommendation is discussed in more detail in the memo provided by the Native American Rights Fund.

However, posting the hotline number as a stand alone action is insufficient. The utility of a hotline is exponentially increased if the service providers to which victims will be referred are

fully prepared to receive and support the victims. The service providers also need to coordinate with the hotline to ensure an effective referral process. We recommend that posting the hotline be combined with, and follow, improved community coordination in key locations.

- **Public Education—Earned Media Campaign**

In addition, the public needs to be alerted that this is happening in Alaska. Until more is known and target audiences and messages can be clearly defined, an earned media campaign on the topic would be a worthwhile investment. A simple earned media campaign could include radio shows, and well-timed and well-chosen speaking engagements by high profile and easily recognizable local personalities.

#### **PROTECTION/ INTERVENTION—PHASE I**

- **Improve community coordinated emergency response in key locations—Phase I**

When victims are found, a community must respond immediately. Victims need a safe place to stay, and the services needed run the gamut from a toothbrush and clothing to detox and dental care. Coordinated community response teams should be established in key locations to coordinate services across agencies and to provide intensive case management for victims. The goal would be to create a local network of professionals trained on sex trafficking who are able to respond immediately to cases, to communicate regularly about cases, to develop common systems of data collection, common policies and procedures, and information sharing protocols and agreements.

At this point, given the cases prosecuted to date, Anchorage is an obvious location for such a team. Coordination would include agreed upon protocols for collaboration, intake, client tracking, and information sharing. Currently, the FBI's victims' specialist is the only person providing dedicated case management to these victims. As more cases are identified and prosecuted, the existing arrangement will no longer meet the need. In addition, as data is collected, the need for teams in other locations may be identified. Funding for coordinated community response teams should be appropriated.

- **Training**

One of the major barriers to identifying victims is that law enforcement and service providers fail to recognize the individual as a victim of sex trafficking. Currently, law enforcement officers are the main professionals identifying victims. However, not all law enforcement personnel have been adequately trained on sex trafficking. The Department of Public Safety (DPS), Anchorage Police and the FBI have discussed plans to develop protocols for consistent training content across police agencies in Alaska and to develop distance delivery training modules on sex trafficking. The cost of the training was assessed at \$15,000. This should be a top priority.

Victims are currently seeking services. They may show up in child welfare caseloads, in domestic violence and youth shelters, emergency rooms and public health clinics. Service providers, particularly line-level caseworkers in child welfare, youth services, domestic violence, sexual assault, and public benefit services should be trained on the topic and provided clear protocols for response. Emergency room, hospital social workers and staff in reproductive health clinics, mental health and substance abuse treatment counselors, social workers, and public defenders should also be trained. The more professionals trained to identify sex

trafficking victims, the more likely victims will be found. Trainings need to include the specifics of trafficking and consistent protocols on to whom and how to report the information.

- **Ensure Law Enforcement’s continued ability to find victims**

The impact of budget cuts on the ability of local law enforcement agencies and troopers to effectively identify victims should be assessed. The analysis should identify competing priorities, and the funding needed for law enforcement to enhance their effectiveness identifying sex trafficking and sex trafficking victims.

#### **PROTECTION/ INTERVENTION & RESTORATION—PHASE I**

- **Language Access**

For victims for whom English is not their first language, access to professional interpreters is vital. All state agencies that could come in contact with limited- or non-English speaking victims should be directed to prioritize developing protocols to ensure access to such services.

#### **PROTECTION/ RESTORATION—PHASE I**

- **Ensure Access to Compensation—Phase I**

Ensure eligibility for victims of sex trafficking for compensation from the Alaska Violent Crimes Compensation Board. Sex trafficking and CSEC are not explicitly included in the list of eligible crimes. Also, the five day reporting requirement is likely a barrier, and should be waived for these victims. Victims of sex trafficking should be included with victims of domestic violence, sexual assault and sexual abuse of a minor in the stipulation that the Board “cannot deny a claim based on provocation, use of alcohol or drugs, or prior social history of the victim.”<sup>16</sup>

#### **PROSECUTION—PHASE I**

- **Training—Phase I**

Training prosecutors, judges and court personnel is vital to successfully treating victims of trafficking as victims, instead of criminals, and to ensuring that traffickers and buyers are appropriately sanctioned. The Department of Law should immediately undertake an assessment to identify opportunities, trainers and funding needs in order to train these professionals. If prosecutors and judges are not on the same page with law enforcement, efforts to appropriately identify victims and investigate sex trafficking cases will be wasted, and the victims will not be treated as such nor will they receive the services that they need. An action plan to implement this training should be developed immediately.

- **Amend Existing Statutes to Include “fraud or coercion” —Phase I**

Currently, Alaska Statute 11.66.110(a)(1) provides that a person commits a crime only if he or she “induces or causes a person to engage in prostitution through the use of force.” Similarly, Alaska Statute 11.41.360(a) describes human trafficking in the first degree as compelling or inducing a person to engage in sexual conduct “by force or threat of force.” In all trafficking statutes, the term “fraud or coercion” should be added after the word “force.” Requiring “force” is simply too restrictive as many pimps do not physically force their prostitutes to work

<sup>16</sup> Alaska Violent Crimes Compensation Board, Alaska Department of Administration. (2012). Eligibility. <http://doa.alaska.gov/vccb/Victims/eligibility.html>

through use of violence or a weapon. Instead, many take the prostitute's identification, threaten them, and make misrepresentations or otherwise deceive or pressure the prostitutes into working for them. Thus, limiting the statute to use of force simply does not represent the full reality of how pimps operate. This point is discussed in more detail in the memo provided by the Native American Rights Fund.

#### **PARTNERSHIP—PHASE I**

- **Expand the Role of the Task Force to Address Sex Trafficking to Improve coordination among State agencies—Phase I**

SB 21 established task force to assess the magnitude of the problem and the services available to victims, but it currently only requires one report due on January 15, 2013 and does not provide for any actions following the report. In addition, the task force was unfunded and the involvement by staff the Department of Law, Department of Public Safety and Department of Health and Social Services is collateral duty for those assigned. Similarly constituted task forces in other states are broader in scope, envision multi-year activities and include the design and implementation of State Plan for the prevention of human trafficking. A funded, inter-agency taskforce with multi-year mission could effectively leverage the work of the current taskforce, identify next steps, measure progress and hold agencies accountable for implementation. The task force should also report regularly to the public on State progress toward the elimination of trafficking. This effort should have dedicated staff for the duration of the taskforce. This recommendation is discussed further in the memo provided by the Native American Rights Fund.

#### **Ad Hoc NGO Working Group Recommendations—Phase II**

##### **PREVENTION—PHASE II**

- **Data Collection**

There are number of ongoing State efforts already collecting data on high-risk behaviors and/or child maltreatment. The Behavioral Risk Factor Surveillance System (BRFSS) and the Youth Risk Behavior Surveys (YRBS) are annual phone surveys tracking risky behavior that leads to disease and accidental injury. There has been some discussion about including questions related to adverse childhood experiences in the BRFSS, which is a move that would help assess the pool of individuals at risk of trafficking. The YRBS is administered in high schools to track high-risk behavior among youth. It may be helpful if these surveys included some variables on sex trafficking in the future.

In addition, the Alaska Surveillance of Child Abuse and Neglect (SCAN) program may be an additional existing asset in the data collection effort on sex trafficking. Currently, their focus is on maltreatment of children from age 0-8, but they expect to expand the focus in the future to include older youth. In addition, the Alaska Native Epidemiology Center is planning to take part in a national domestic violence survey tracking domestic violence in Native communities. Their survey may provide an additional opportunity to include trafficking variables.

Finally, two studies should be conducted in Alaska as soon as possible. One should collect data from extensive interviews with service providers to learn what line staff members are seeing among their caseloads, and the other should gather data from interviews with women

and youth involved in, leaving prostitution, or who have been trafficked to learn how the process works here in Alaska.

- **Public Education**

Once more data is available, a statewide anti-trafficking campaign should be established. Ideally, the campaign should have a dual focus—targeted prevention messages, and a demand reduction message. If individuals from a particular region of the State are more at risk than others, mini-grants to community groups to develop local campaigns may also be effective. The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) has significant expertise developing and managing public education campaigns on violence-related topics. ANDVSA estimates that total expenses for a campaign can run between \$50,000 and \$500,000 depending on reach, complexity and staffing needs.

- **Build Resilience In School-aged Youth**

Nationally, the average age of entrance into prostitution is 15, but some youth begin as early as 12. Once there is data to identify where victims are originating, it would be wise to invest in trauma informed programs to build resilience in school-aged youth. One example of such a program is the YWCA's Girls' Circles. Girls Circles is a national and evidenced-based program to help girls build resilience and develop protective factors. The program was recently updated with a trauma informed curriculum. Trauma informed programs designed to support school aged youth and youth at risk for CSEC and trafficking could provide a safe place for youth to process their experiences and acknowledge their strengths. Resilience building programs would be an important element of any strategy to prevent high risk behavior. Taking a program like Girls' Circles to regional hubs would include start up costs of \$60,000 and operational costs of \$50,000 per location.

#### PROTECTION/ INTERVENTION—PHASE II

- **Clarify Jurisdiction Over Minor Victims**

It is unclear to whom one should report suspected cases of Commercial Sexual Exploitation of children (CSEC). CSEC victims are minors who are being exploited and abused, but the abuse is happening outside the home, often by a third party who is not related to the victim. The State should clarify where the jurisdiction over the welfare of these youth resides, the Office of Children's Services, the Department of Juvenile Justice, or some innovative a collaboration of the two.

- **Safe Harbor Bills**

Currently minors in Alaska can be prosecuted under Alaska Statute 11.66. They should be immune from prosecution because they are below the legal age for responsible decision making. Many states (MN, TX, NY, OH, MA, WA, CT, FL, TN) have passed safe harbor bills or taken other action to protect exploited minors from prosecution. This point is discussed in more detail in the memo provided by the Native American Rights Fund.

#### PROTECTION/ RESTORATION—PHASE II

- **Vacate Convictions for Victims of Sex Trafficking**

conviction for prostitution follows a person for life, and complicates finding a job and leading a productive life. These consequences should not follow someone whose conviction was the result of human trafficking. The legal record complicates their ability to start over once they are free and safe. State must explore vacating victims' records of such charges. This issue is discussed further in the legal memo provided by the Native American Rights Fund.

- **Funding Sources for Services**

Victims of sex trafficking have unique physical, psychological, and social needs that stem from experiences that made them vulnerable to trafficking, and the trafficking experience. Their needs are numerous and diverse, and it may take years to restore victims to a healthy and normal life. If Alaska is found to have a significant trafficking problem, a reliable source of funding to meet the needs of victims should be authorized and appropriated.

### Ad Hoc NGO Working Group Recommendations—Phase III

#### PREVENTION—PHASE III

- **Stop the Cycle of Trauma**

The only way to reduce the pool of individuals vulnerable enough to be at risk of being recruited into trafficking is to stop the cycle of trauma in Alaska. The fields of neuropsychology and epigenetics have shown that trauma and high-risk behavior can be multigenerational processes. One proven way to do this is to provide vulnerable mothers the support necessary to break the cycle.

If one were to name a single root cause for trafficking it would surely be childhood maltreatment. Childhood abuse and neglect are also potent risk factors, later in life, for attempted suicide, becoming addicted to alcohol, tobacco and illicit drugs, engagement in relationships marred by domestic violence, and an astonishing range of mental and physical health problems.<sup>17</sup> Sex trafficking is one manifestation of the social, mental, and physical health problems that ultimately flow from childhood maltreatment. The most effective, inter-generationally sustainable strategy to prevent sex trafficking—and other related social problems—is the prevention of child maltreatment.

A large and rapidly growing evidence base from developmental neurobiology and related fields, and econometric research, by Nobel laureate James Heckman and colleagues suggests prevention and resilience building is the most affordable solution. The current gold standard for prevention of child maltreatment is the Nurse Family Partnership (NFP), a home-visiting program that links nurses and at-risk young mothers and their newborns.<sup>18</sup> Not only has NFP been shown effective at prevention of maltreatment, econometric research shows a high return on investment. Wyoming, for example, is a state with a population size similar to Alaska and it has reached 100% implementation of NFP. Rand Corporation study estimates that \$4.00 is saved for every \$1.00 invested in NFP and that the net government savings per family served is \$18,611.<sup>19</sup> There are other effective and economically sustainable approaches to prevention and improving child resilience, e.g., Triple P, Multidimensional Treatment Foster Care, and

<sup>17</sup> see, for example, <http://www.cdc.gov/ace/>

<sup>18</sup> US Coalition for Evidence-Based Policy at <http://coalition4evidence.org/wordpress/>

<sup>19</sup> Karoly, L., Kilburn, M.R., Cannon, J. (2005) *Early childhood interventions. Proven results, future promise*. Santa Monica, CA: Rand Corporation.

Abecedarian preschool. A effort that integrates complementary approaches is likely to be the most effective way to prevent sex trafficking and related problems across generations.

- **Reduce Demand**

It is important to remember that trafficking is a multi-million dollar business. The law of supply and demand applies. While it is important to reduce the flow of vulnerable women and youth into sex trafficking, throwing a wrench in the economic system of sex trafficking by reducing demand is an important strategy to concurrently employ. A 2008 study done in Chicago that surveyed 113 men buying sex found that the average age of men buying sex was 39, 79% had some college or a college or graduate degree, 62% made more than \$40,000 per year, and 62% were married or had a regular sex partner.<sup>20</sup> Common strategies used to impact demand include reverse stings, reverse internet stings, “john” schools, vehicle seizures, license suspensions, increased penalties, shaming by publicly publishing names, shaming by sending letters home, geographic restraining orders, community service and public education campaigns.<sup>21</sup>

A action plan to reduce demand in Alaska should be developed. Any revenue generated from increased fines and property seizures should be linked to prevention programs and restoration services.

#### PROTECTION/ INTERVENTION—PHASE III

- **Street Outreach**

The data, once collected, may indicate a need for increasing street outreach and/or some form of electronic outreach to prevent future victims and to intervene with current victims.

#### PROTECTION/ RESTORATION—PHASE III

- **Provide Safe Shelter**

Currently, victims are placed in available, safe emergency and transitional shelter. Some couch surf due to a shortage of housing. There are model shelters dedicated to CSEC victims and at least one dedicated to supporting adult female victims. Given the shortage of housing and shelter in Alaska, particularly in Anchorage, the State of Alaska may have to grapple with this issue of safe and secure shelter and transitional housing for these victims in the future.

- **Create a Civil Cause of Action for Victims of Sex Trafficking**

Currently there is a civil cause of action under the Trafficking Victims Protection Act (TVPA), but there is no corresponding cause of action under state law. The lack of such an option forces victims into federal court when they may be better served by having access to Alaska state courts. In addition, the standard of proof under the TVPA is unnecessarily rigorous considering the person is a victim of a crime. This recommendation is discussed in more detail in the memo provided by the Native American Rights Fund.

#### PROSECUTION—PHASE III

<sup>20</sup> Durchslag, R., Goswami, S. (2008) *Deconstructing the demand for prostitution: Preliminary insights from interviews with Chicago men who purchase sex. Chicago, IL: Case Alliance Against Sexual Exploitation.*

<sup>21</sup> Shively, M., Kliorys, K., Wheeler, K., Hunt, D. (2012). *A national overview of prostitution and sex trafficking demand reduction efforts.* Cambridge, MA: prepared by ABT Associates for the U.S. Department of Justice.

- **Court diversion programs**

Some courts have established diversion programs for individuals who are repeat truants, runaways and, or arrested for prostitution. Assessing the need and value added of such a program in Alaska may be needed.

PHASE	4 PS	SUBCATEGORY	RECOMMENDED ACTION
PHASE I	Prevention	Data Collection	Assessment of existing research and measures
	Prevention	Public Education	Require the national hotline number to be posted in key locations, combine with improving community coordinated response
	Prevention	Public Education	High profile earned media campaign
	Protection	Intervention & Partnership	In key locations improve community ability to provide coordinated emergency response
	Protection	Intervention	Fund training of law enforcement, and key service providers
	Protection	Reduce Demand	Assess impact of budget cuts on law enforcement agencies' capacity to find sex trafficking victims, identify competing priorities and funding needs
	Protection	Intervention & Restoration	Develop protocols for language access for State agencies likely to come in contact with limited English speaking victims
	Protection	Restoration	Explicitly clarify that sex trafficking is a crime eligible for the Violent Crime Compensation Board funding and are provided same assurances as domestic violence and sexual assault victims.
	Prosecution	Training	Train prosecutors, judges and court personnel on sex trafficking
	Prosecution	Amendments to Criminal Statute	Add the term "fraud or coercion"
	Partnership	State Coordination	Improve coordinated state response by



			expanding the role of the Task Force to Address Sex Trafficking.
<b>PHASE II</b>	Prevention	Data Collection	Include trafficking and ACES questions in BRFSS, include trafficking variables in YRBSS and SCAN when appropriate. Conduct research involving extensive interviews with local service providers and women in prostitution and trafficking in Alaska
	Prevention	Public Education	Fund data-informed statewide anti-trafficking campaign
	Prevention	Resilience Building	Establish resilience building programs for school-aged youth in key geographical locations
	Protection	Intervention	Clarify jurisdiction over minor victims – Office of Children’s Services, Dept. of Juvenile Justice or a alternate solution?
	Protection	Intervention	Ensure immunity for minor trafficking victims from prostitution charges; Pass safe harbor bill for minors in Alaska.
	Protection	Restoration	Vacate convictions for victims
	Protection	Restoration	Develop funding mechanism for victims’ services.
<b>PHASE III</b>	Prevention	Work to stop the cycle of trauma	Establish and fund evidence-based programs to support parent infant health, stability and bonding. Supporting healthy family relationships at this stage is necessary to stop the cycle of violence and abuse.
	Prevention	Reduce demand	Develop an action plan to reduce demand.
	Protection	Intervention	Develop funding mechanism for intensive street and/or electronic outreach program
	Protection	Shelter	Provide safe shelter for victims

	Protection	Restoration	Create a state civil cause of action for victims of sex trafficking
	Prosecution	Diversion programs	Identify diversion programs in other states that indicate promising practices for CSEC and adult prostitutes, chronic runaways and truants, and explore utility of such programs in Alaska.

## Appendix F

7. It was a further goal of the conspiracy that MUJAHID and GREENE would control and attempt to control underage girls for the purpose of satisfying the two men's personal sexual desires.

8. It was a further goal of the conspiracy that [REDACTED] and HOOKS would participate in the illegal prostitution enterprises and participate and share in the proceeds of the illegal prostitution enterprise by receiving the use of MUJAHID's residence in which to perform commercial sex acts by [REDACTED] and to receive proceeds from the prostitution enterprise in the form of rents by HOOKS.

### Manners and Means of the Conspiracy

9. MUJAHID operated and advertised an "escort business" in the Alaska Yellow Pages under the name "Seductions." MUJAHID also advertised on the internet,

## Appendix G

### **Sec. 11.66.110. Sex trafficking in the first degree.**

- (a) A person commits the crime of sex trafficking in the first degree if the person
- (1) induces or causes a person to engage in prostitution through the use of force;
  - (2) as other than a patron of a prostitute, induces or causes a person under 20 years of age to engage in prostitution;
  - (3) induces or causes a person in that person's legal custody to engage in prostitution.
- (b) In a prosecution under (a)(2) of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 20 years of age or older.
- (c) Except as provided in (d) of this section, sex trafficking in the first degree is a class A felony.
- (d) A person convicted under (a)(2) of this section is guilty of an unclassified felony.

- Sec. 11.66.120. Sex trafficking in the second degree.** (a) A person commits the crime of sex trafficking in the second degree if the person
- (1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution;
  - (2) procures or solicits a patron for a prostitute; or
  - (3) offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for the travel; in this paragraph, "commercial sexual conduct" means sexual conduct for which anything of value is given or received by any person.
- (b) Sex trafficking in the second degree is a class B felony.

- Sec. 11.66.130. Sex trafficking in the third degree.** (a) A person commits the crime of sex trafficking in the third degree if, with intent to promote prostitution, the person
- (1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;
  - (2) as other than a patron of a prostitute, induces or causes a person 20 years of age or older to engage in prostitution;
  - (3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or
  - (4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.
- (b) Sex trafficking in the third degree is a class C felony.

- Sec. 11.66.135. Sex trafficking in the fourth degree.** (a) A person commits the crime of sex trafficking in the fourth degree if the person engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under [AS 11.66.130\(a\)\(4\)](#).
- (b) Sex trafficking in the fourth degree is a class A misdemeanor.

Appendix H

State of Alaska Agency Alaska State Troopers Agency Case # AK14075161 P 00944

CITATION FOR  MINOR OFFENSE  MISDEMEANOR  AS 04.16.050

City at Fairbanks Judicial District: 4th Court Case # 4FA-14-03275 CR

DOB 9/5/79 Age 35 Driver's Lic 7250842 State AK Class APSIN ID 7363514

Sex M Eyes BRW Race W Hair M Height Wt Hm Ph Wk Ph 3978-4818

Address: [Redacted] Fairbanks AK Employer State of Alaska Fourth Dis

Vehicle: [Redacted] Make Model Color ADF&G OCT 15 2014

Commercial:  Over 10,000 lbs  Over 26,000 lbs  Over 15 psngr  HazMat DOT INSP# By USDOT#

Date 7/14/13 Time 1810 ATN 112651605 CTN 601 Code Deputy

Location Fairbanks Loc. Code  Hwy Work Zone  Safety Corridor

Statute  Regulation  Ordinance  Adopted by reference Section AS 11.66.100 (a)(2)

Offense: Prostitution

Speed Limit MPH in a MPH Zone  Damage Only  Injury  Fatality

Multiple calls from A to pime [Redacted] multiple emails from A to [Redacted], CC charges on dates emails were sent. Emails from another sex worker requesting history w/ Clark. [Redacted] replies that [Redacted] had multiple encounters.

n(s) Seized per AS 16.05.190

TY Driver License Points \_\_\_\_\_ Bail/Fine \$ \_\_\_\_\_ Surcharge \$ \_\_\_\_\_ Total Due \$ \_\_\_\_\_

I have reasonable grounds to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

Officer's Signature: [Signature] Officer's Printed Name: Ramis Dunford ID: 12201 Date Served on Defendant: 7/23/14

REQUIRED RESPONSE

MANDATORY COURT APPEARANCE. You must appear in court as shown below. If you fail to appear for a misdemeanor or AS 04.16.050 a warrant will be issued for your arrest. For a minor offense, see consequences on back. Use to appear in court.

[Signature]

Defendant's Signature

OPTIONAL APPEARANCE. This citation will be dismissed if you correct the defect and present the vehicle for inspection \_\_\_\_\_ at any Alaska State Trooper Post or \_\_\_\_\_ If you do not, you must either appear in court or mail/deliver your plea as instructed under OPTIONAL APPEARANCE.

MANDATORY COURT APPEARANCE. You must either (1) appear in court as shown below, or (2) fill out the back of this citation and mail/deliver it before then, to: \_\_\_\_\_ (if different from court address):

COPY

APPEARANCE:  within \_\_\_\_\_ days.  on 10/17/14 at 0900 AM PM caused of new clock/center 1017 e to 30 pm

101 Lacey St Fairbanks AK 99705

This citation is being served on you to court. If you are under 18, you must bring your parent or legal guardian.

Form 12-213 AUC) Rev 2008.08.22

# Appendix I

**IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA**  
AT         Fairbanks        

**AFFIDAVIT by Police Officer**  
**In Support of Complaint**

Agency Case Number: AK14028201     Related Search Warrant(s): 4FA-14-520SW

State of Alaska, <span style="float: right;">Plaintiff,</span>		
vs.		
[REDACTED] <span style="float: right;">Defendant 1 of 1.</span>		
Date of Birth: 07-30-87	APGIN: 7119910	
Operator License Number: 7068563		
State: <input checked="" type="checkbox"/> AK <input type="checkbox"/>	CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Mailing Address: 415 5 <sup>th</sup> Avenue #103		
City: Fairbanks	State: AK	ZIP: 99701

FILED in the Trial Courts  
State of Alaska, Fourth District

**APR 25 2014**

By: \_\_\_\_\_ Deputy

**CASE NO. 4FA-14-1216CR**

Defendant(s)	ATN	CTN(s)	Date Offense	Offense Location
Sarah Christina Enox	112575564	001,002,003	04-24-14	Fairbanks

I, Investigator David DeCoeur attest to the following and state:

I currently work in the Special Crimes Investigations Unit (SCIU). We conduct investigations involving human trafficking and prostitution. I have received training in both of these areas.

On April 24, 2014 the SCIU and members of the Alaska State Troopers Alaska Bureau of Alcohol and Drugs Enforcement (ABADE) conducted an undercover sting at a Fairbanks area hotel.

Investigators in the SCIU found ads on Backpage.com and Craigslist of women propositioning sex acts for money. We found a post id 4432174521 titled "bunny needing UR carrot - w4m". The poster was fully dressed and stated that she was looking for a man that could help her out. She stated that she was doing massages.

At 1850 hours, we sent a text message to the number listed on the ad "tree to ate double nine double five" 328-9955 and received a response. We asked to meet and the person on the phone texted "U got donations 250" we stated that we had 200. The person, who answered a gender specific question affirming that she was female, asked if we could host her then asked for a ride. We declined and she said she would be there in 5 minutes. She asked "U have the 2, right" we answered "yea, cash" and she texted "ok see u soon".

At 1943 hours a white female came to the hotel by taxi cab. She was wearing the same clothes as she had on in the craigslist ad. She came to the room we said we would be in and knocked at the door.

I was the undercover "john" in the room. A woman, later identified as [REDACTED] took \$200.00 dollars in pre-

Criminal Complaint (10/2013)  
Criminal Rule 3Page 1 of 3

recorded buy funds from me. [REDACTED] established that everything was ok but it would be off limits for me to penetrate her anus and that he had to wear a condom.

[REDACTED] then went into the bathroom and came out without clothes on. [REDACTED] was holding an opened Trojan condom. I told a rescue team standing by that I needed assistance. Three members of the team assisted in the rescue operation. I was placed on the ground and into handcuffs.

I was taken out of the room by Investigator Dunford. Investigator Dunford returned to the room where [REDACTED] was now dressed and talking with Sgt. Ingram. [REDACTED] identified herself as Kim and denied taking money from me. [REDACTED] then stated she received the money as a loan and that we were going to have some fun but not have sex. [REDACTED] also stated that I took the money back from her. [REDACTED] told Sgt. Ingram that she came out of the bathroom naked to "well, I was going to mess around with him, but....it wasn't".

When asked where the money was that she had been given she stated that she did not know where it was. Investigator Dunford looked in the bathroom where she changed and saw her purse. It was a gold colored purse with a large coach label on the side.

We asked to search the bag for the money and she did not want us to search it. We asked if she could remove her ID from the bag so that we could verify who she was. While she was looking through her bag, Investigator Mepsted with Fairbanks ABADE observed a glass meth pipe. Sgt. Ingram observed a prescription bottle.

[REDACTED] denied any drug use and stated that the prescription was for her. Investigator Dunford observed sores on her arms, upper chest and face that were consistent with drug use. Sgt. Ingram observed track marks on her arms and bruising consistent with IV drug use. While Investigator Dunford talked with her, he learned that the father of her 7 year old child was in jail with 4 more years to serve for selling drugs. A check in the Alaska Public Safety Information Network (APSIN) revealed that [REDACTED] had an officer safety advisement that on 8/7/2012; per Trooper Hayes, [REDACTED] was a known IV drug user.

A search of her person for weapons reveled that she had no money. I searched the bathroom, toilet tank and toiletry bag imported to the room as cover and did not find the money [REDACTED] had received from me.

Search warrant 4FA-14-520SW was issued and it permitted the search of [REDACTED] purse described above for the pre-recorded buy funds, drugs and drug related paraphernalia. A search of the purse revealed [REDACTED] was in possession of a piece of folded tin foil constructed into a square bindle common for the transportation or storage of narcotics. Inside the tin foil was a dark crunchy substance believed to be heroin. Utilizing a presumptive field test, a small sample of the substance tested positive for the presence of heroin. Heroin is a schedule IA drug.

Inside a piece of plastic that surrounds a single cigarette pack, four halved yellow tablets with stamping from the manufacturer showing a swept "V" with a hash mark and 2683 below were located. Utilizing an open source internet pill identification site ([www.rxlist.com](http://www.rxlist.com)) the pill was identified as diazepam 5mg, a schedule IVA drug. The four halved pills are less twenty five tablets.

Other unidentified pills were located in the purse. A used syringe with the needle still attached was in the purse with a spoon with dark residue in the portion one would eat from and dark burned residue on the bottom. The spoon was similar to those I have seen in the past used by drug users that ingest drugs intravenously.

An empty green ziplock style bag and a piece of aluminum foil cut into a small square were also in the purse. Both were similar to packaging I have seen in the past used to transport or store narcotics.

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used  
Criminal Complaint (10/2013)  
Criminal Rule 3

to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

04-25-14  
Date

Pat L. Ullman  
Complainant's Signature

David L. DeCoer - Investigator  
Type or Print Name and Title

Subscribed and sworn to or affirmed before me at Fairbanks, Alaska, on 4/20/14

(SEAL)



[Signature]  
Notary Public or other person authorized to administer oaths.  
My commission expires: 7/07/2014



Appendix J

1 THE DISTRICT COURT FOR THE STATE OF ALASKA  
2 FOURTH JUDICIAL DISTRICT AT FAIRBANKS  
3 STATE OF ALASKA,  
4 )  
5 Plaintiff, )  
6 vs. )  
7 [REDACTED] )  
8 Defendant. )  
9 Case No. 4FA-13-2273CR )

FILED In the Trial Court  
State of Alaska - Fourth District  
OCT 24 2013  
Deputy

10 **MOTION TO DISMISS COMPLAINT**

11 **VRA CERTIFICATION**  
12 I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed  
13 in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any  
14 offense unless it is an address used to identify that place of the crime or it is an address or telephone number in  
15 a transcript of a court proceeding and disclosure of the information was ordered by the court.

16 Defendant [REDACTED] through undersigned counsel and pursuant to Criminal  
17 Rules 3(a) and 5(d), moves this Court for an order dismissing the complaint in this case. This  
18 motion is based upon the fact that the complaint fails to provide the probable cause necessary  
19 to charge [REDACTED].

20 The complaint charges [REDACTED] with "Promoting Prostitution in the Fourth Degree."  
21 However, in 2012 via HB 359, the legislature renamed AS 11.66.135 "Sex Trafficking in the  
22 Fourth Degree" to more clearly reflect the focus on the person who is doing the trafficking  
23 than on the person who is being trafficked.

24 Likewise, [REDACTED] must not be charged with trafficking herself. The Governor's  
25 transmittal letter for HB 359 states the following:

1  
2  
3 Alaska law imposes the most severe penalty, an unclassified felony, for  
4 persons who exploit children by inducing them to engage in prostitution. It is  
5 also a Class A felony for a person to force another adult to engage in  
6 prostitution. The law also prohibits other conduct that encourages or allows for  
7 promotion of prostitution.

8 When children are victimized in Alaska, they should not be labeled with the  
9 actions of the offender who solicits sex, organizes its sale, and exploits  
10 children. This bill changes the terminology for the crime by describing the  
11 offender's conduct as sex trafficking rather than promoting prostitution.

12 Traffickers prey on the most vulnerable in our society—young girls and boys  
13 who may have tragically experienced varying levels of physical and sexual  
14 abuse and are often homeless. The most frequent entry age into prostitution for  
15 girls is 12 to 14 years old. We believe that any child engaged in prostitution  
16 (under the age of 18) is being trafficked, and thus, is victim of a severe and  
17 serious crime rather than a prostitute.

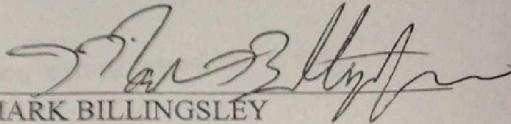
18 The crimes of sex trafficking and human trafficking are serious offenses which  
19 violate the most basic human rights and deprive victims of every shred of  
20 personal freedom. These crimes are often perpetrated by offenders working  
21 together. Cooperating to encourage victims to come to the state for illegal  
22 activity, or to induce children to engage in prostitution makes the ultimate  
23 offenses, human trafficking or sex trafficking, more likely to occur. To address  
24 this likelihood, the bill would add human trafficking in the first degree and sex  
trafficking in the first degree to the crimes defined as serious felony offenses  
for purposes of our conspiracy law.

17 Though primarily directed at children, this commentary recognizes the legislature's  
18 understanding that trafficking is something done *to* prostitutes rather than something done *by*  
19 prostitutes. The State's theory as described in the complaint is that [REDACTED] acted as a  
20 prostitute. Such allegation does not fall within the scope of conduct that the legislature sought  
21 to criminalize in AS 11.66.135; instead, the allegation falls within the scope of conduct  
22 criminalized in AS 11.66.100, "Prostitution."  
23  
24

The State should not be permitted to proceed under a theory that is inconsistent with the legislature's intent. And the State should not be permitted to proceed under a distorted interpretation of AS II.66.135.

The complaint should be dismissed for lack of probable cause.

DATED at Fairbanks, Alaska, this 24<sup>th</sup> day of October, 2013.



MARK BILLINGSLEY  
Assistant Public Defender  
Alaska Bar No. 1011060

This is to certify that a copy of the foregoing is being:

Filed:

Delivered by Courier:

Mailed:

Hand Delivered:

To the listed attorney(s) or parties of record.

N Maxwell  
NAME

10/24/13  
DATED

Appendix K

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs.

[REDACTED]

DOB: 8/9/1974

APSIN ID: 6625901

DMV NO. 6625901 AK

ATN: 114-904-485

Defendant.

Case No. 3AN-14-6159 CR

INFORMATION

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: NONE

Count I - AS 11.66.120(a)(1)

Sex Trafficking In The Second Degree

[REDACTED] - 003

Count II - AS 11.66.120(a)(2)

Sex Trafficking In The Second Degree

[REDACTED] - 001

Count III - AS 11.66.120(a)(3)

Sex Trafficking In The Second Degree

[REDACTED] - 004

Count IV - AS 11.66.130(a)(1)

Sex Trafficking In The Third Degree

[REDACTED] - 002

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OFFICE OF SPECIAL PROSECUTIONS AND APPEALS  
SPECIAL PROSECUTION UNIT  
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ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-6250

Count V - AS 11.66.130(a)(2)  
Sex Trafficking In The Third Degree  
[REDACTED] - 005

Count VI - AS 11.66.130(a)(3)  
Sex Trafficking In The Third Degree  
[REDACTED] - 006

Count VII - AS 11.66.130(a)(4)  
Sex Trafficking In The Third Degree  
[REDACTED] - 007

THE OFFICE OF SPECIAL PROSECUTIONS CHARGES:

**Count I**

That on or about July 9, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, [REDACTED], managed, supervised, controlled or owned either alone or in association with others, a prostitution enterprise other than a place of prostitution.

All of which is a class B felony offense being contrary to and in violation of AS 11.66.120(a)(1) and against the peace and dignity of the State of Alaska.

**Count II**

That on or about July 9, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, [REDACTED], procured or solicited a patron for a prostitute.

All of which is a class B felony offense being contrary to and in violation of AS 11.66.120(a)(2) and against the peace and dignity of the State of Alaska.

**Count III**

That on or about July 9, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, [REDACTED], offered, sold, advertised, promoted, or facilitated travel that includes commercial sexual conduct as enticement for the travel procured or solicited a patron for a prostitute.

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All of which is a class B felony offense being contrary to and in violation of AS 11.66.120(a)(3) and against the peace and dignity of the State of Alaska.

**Count IV**

That on or about July 9, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, [REDACTED], with intent to promote prostitution, managed, supervised, controlled or owned either alone or in association with others, a place of prostitution.

All of which is a class C felony offense being contrary to and in violation of AS 11.66.130(a)(1) and against the peace and dignity of the State of Alaska.

**Count V**

That on or about July 9, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, [REDACTED], with intent to promote prostitution, as other than a patron of a prostitute, induced or caused a person 18 years of age or older to engage in prostitution.

All of which is a class C felony offense being contrary to and in violation of AS 11.66.130(a)(2) and against the peace and dignity of the State of Alaska.

**Count VI**

That on or about July 9, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, [REDACTED], with intent to promote prostitution, as other than a prostitute receiving compensation for personally rendered prostitution services, received or agreed to receive money or other property pursuant to an agreement or understanding that the money or other property was derived from prostitution.

All of which is a class C felony offense being contrary to and in violation of AS 11.66.130(a)(3) and against the peace and dignity of the State of Alaska.

**Count VII**

That on or about July 9, 2014, at or near Anchorage in the Third Judicial District, State of Alaska, [REDACTED], with intent to promote prostitution, engaged in conduct that instituted [REDACTED] a prostitution enterprise.

All of which is a class C felony offense being contrary to and in violation of AS 11.66.130(a)(4) and against the peace and dignity of the State of Alaska.

The undersigned swears under oath this Information is based upon a review of police report AK1404441 submitted to date.

Beginning in April of 2014, Investigators with the Special Crimes Investigation Unit at the Alaska Bureau of Investigation commenced a pro-active sex trafficking investigation after a website advertising sexual services for sale in Alaska came to their attention. Investigators then indexed the referenced website and downloaded the contents as it was posted on April 21, 2014. The website advertises for escort services in Alaska, and is organized into different sections, including a FAQ ("frequently asked questions") section, "providers" (listing the women being trafficked), terms of service, booking, blog, chat, cams, sensual Alaska store, now hiring and fetish services sub-pages. The banner page of the website advertises "Half hours \$200," "Hours \$300," and "doubles" for \$650 an hour.

In the FAQ section, the website offers a "quiet and discreet residential incall location in Anchorage" as well as "outcall" sessions in Juneau and Fairbanks. The "incall" location was subsequently identified as a rental property maintained by BATTIS on West 45<sup>th</sup> street. The website states that services can be paid for with credit cards, subject to a 5% processing fee and that charges will be listed as "R.C. Group" on billing statements. The FAQ section of the website also contains a "Newbies Guide to Etiquette," where potential clients are advised to have cash "readily available and in clear view at the beginning of the session." The same section states "Whatever you do, don't ask 'So what am I getting for this? She'll think you are a cop and are wired to record her responses.'"

In the Blog section the proprietor of the site (later identified as BATTIS) states that she used to offer sex for money and that she now runs a "house". In another blog post BATTIS describes a sexual encounter for money. The blog posts continue through 2014 the last post being on 3/27/14. In the post BATTIS describes "VIP"

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newsletter service and loyalty cards. In the later part of the post informs the reader that "Alice" an escort from Juneau will be in Anchorage and that for her loyal clients she would provide references if her clients were traveling outside Alaska.

ABI Investigators researched the registration information for the domain name associated with the website used by ██████████ to promote and facilitate her trafficking activities. Investigators determined that the website in question was registered to Tucows Domains Inc. (resold to Homestead Technologies Inc), and that the registered owner of the domain name was listed as ██████████, with an associated mailing address of ██████████ Anchorage, Alaska. The administrator email was listed as "[amberbatts@yahoo.com](mailto:amberbatts@yahoo.com)."

Records from APSIN showed Amber Nickerson and ██████████ to be the same person. ██████████ has 5 aliases: ██████████ ██████████ ██████████ ██████████, Vanessa Quigly, and Amber Batts. Through further investigation, investigators determined that ██████████' home address was ██████████. On July 9, 2014 at 0926 hours investigators for the Alaska State Troopers served search warrants at ██████████ and 1507 West 45th Street Apartment #1. Contact was made with ██████████ at the ██████████ address.

██████████ stated that she began her trafficking enterprise in 2004. In 2012 ██████████ sold her website and sex workers she had working for her to another pimp. He mismanaged them and ██████████ took the sex workers back and started the website in question, which she built herself.

██████████ stated that she would solicit for sex workers, and required applicants to sign a contract after undergoing a vetting process. The agreement that she required her "employees" to sign a contract stating that ██████████ would provide advertising and set appointments for the sex workers in exchange for a portion of the proceeds from each individual transaction. During the execution of the search warrants, investigators found 32 "independent contractor" agreements between ██████████ and the women she trafficked. ██████████ indicated to investigators that they would find evidence related to approximately 800 clients that had been serviced through her enterprise.



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According to [REDACTED] statement, she would also check the patrons of prostitution against a black list database. In conducting her operation, [REDACTED] admitted arranging appointments for sex workers in Anchorage, Fairbanks, Juneau and the Kenai in addition to advertising and coordinating visits from sex workers from out of state.

[REDACTED] told investigators that she managed the travel and paid for the rooms used by sex workers in Anchorage, Fairbanks, Kenai and Juneau. [REDACTED] stated that her take was \$100 out of the \$300 charged for an hour of service with a client. For two sex workers she took \$200 out of the \$650 charged. [REDACTED] admitted taking payment by credit card, cash and pay pal, and stated that she provided a point of sale system to the sex workers that allowed them to accept payment with their phones. The money from those transactions were deposited directly into her account at Alaska USA Federal Credit Union. [REDACTED] would then pay the sex workers their proceeds by check for those payments received by credit card or pay pal.

A phone identified by [REDACTED] as her work phone had evidence of checks written on July 9, 2014 to two women she identified as sex workers. [REDACTED] stated that the checks were for services rendered by the sex workers consistent with her business model.

[REDACTED] told investigators that she maintained an "incall" location at a rental property in Anchorage at 1507 W. 45th street. She paid the rent there and ran the massage business and the prostitution incalls from that location. [REDACTED] had a collection box inside the apartment where she has the sex workers drop off the cash they owed [REDACTED], who would collect money from that location and clean the apartment. [REDACTED] retained a lease for the in-call location, and withdrawals from her account were consistent with a lease agreement as described by [REDACTED]. A lease agreement was found in the residence at 9599 Brayton #430.

During the execution of the search warrant of [REDACTED] residence, investigators found travel receipts corresponding with the information they had received to date regarding [REDACTED] coordination of travel for the purposes of sex trafficking.

At the "incall" residence maintained by [REDACTED] on West 45th Avenue, investigators found multiple square POS credit card readers, and a white dry erase board detailing fees as follows "half hour \$200 / \$100 drop, hour \$300 / \$100 drop; Upcoming trip: Fairbanks first week of July; body rubs rates, half hour \$100 / 50 drop, hour \$150 / \$75 drop."


Sex toys were found in the apartment. A condom wrapper was found in one of the rooms. The drop box in the kitchen where the white board was located contained two envelopes with the street name for the sex worker and patron with \$100 and \$40 dollars in them. In the bottom of the safe was a key to the apartment. On the wall next to the safe was a pay scale and price adjustment for the sex workers to use when calculating charges for the patrons.

SAN 07/20/09 ASSAULT 3- CAUSE INJURY W/ WEAP	3AN-07-11972	110872017
SJU 11/25/96 EVIDENCE TAMPERING	96-497	100426491
DJU 10/23/96 DRIV WHILE LIC SUSP	M9501436	100273203
DJU 06/23/95 FAILURE TO APPEAR	95-1004	100138782
DJU 10/12/95 DWI- ALCOHOL	M9500935	100846368
DJU 04/26/95 DRIV WHILE LIC SUSP	M9500631	
DJU 01/24/95 MINOR/POSS/OR/CONSUM	95-75	100850031
DJU 10/28/94 DWI- ALCOHOL	M9401864	100343862

Dated at Anchorage, Alaska, this 10<sup>th</sup> day of July, 2014.

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

By:

  
Adam Alexander  
Assistant Attorney General  
Alaska Bar No. 1011057

STATE OF ALASKA  
OFFICE OF SPECIAL PROSECUTIONS AND APPEALS  
SPECIAL PROSECUTION UNIT  
310 K STREET, SUITE 308  
ANCHORAGE, ALASKA 99501  
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## Appendix L

GREENE.

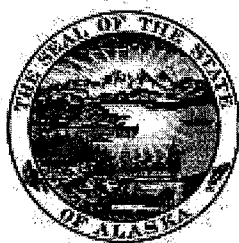
7. It was a further goal of the conspiracy that MUJAHID and GREENE would control and attempt to control underage girls for the purpose of satisfying the two men's personal sexual desires.

8. It was a further goal of the conspiracy that [REDACTED] and HOOKS would participate in the illegal prostitution enterprises and participate and share in the proceeds of the illegal prostitution enterprise by receiving the use of MUJAHID's residence in which to perform commercial sex acts by [REDACTED] and to receive proceeds from the prostitution enterprise in the form of rents by HOOKS.

### Manners and Means of the Conspiracy

9. MUJAHID operated and advertised an "escort business" in the Alaska Yellow Pages under the name "Seductions." MUJAHID also advertised on the internet, including the (former) Erotic Services Section of Craigslist where he posted, or directed

Appendix M



**LAWS OF ALASKA**

**2013**

**Source**  
HCS CSSB 22(FIN)

**Chapter No.**  
\_\_\_\_\_

**AN ACT**

Relating to the commencement of actions for felony sex trafficking and felony human trafficking; relating to the crime of sexual assault; relating to the crime of unlawful contact; relating to forfeiture for certain crimes involving prostitution; relating to the time in which to commence certain prosecutions; relating to release in a prosecution for stalking or a crime involving domestic violence or for violation of a condition of release in connection with a crime involving domestic violence; relating to interception of private communications for certain sex trafficking or human trafficking offenses; relating to use of evidence of sexual conduct concerning victims of certain crimes; relating to consideration at sentencing of the effect of a crime on the victim; relating to the time to make an application for credit for time served in a treatment program or while in other custody; relating to suspending imposition of sentence for sex trafficking; relating to consecutive sentences for convictions of certain

Enrolled SB 22

crimes involving child pornography or indecent materials to minors; relating to the referral of sexual felonies to a three-judge panel; relating to the definition of "sexual felony" for sentencing and probation for conviction of certain crimes; relating to the definition of "sex offense" regarding sex offender registration; relating to the definition of "victim counseling centers" for disclosure of certain communications concerning sexual assault or domestic violence; relating to violent crimes compensation; relating to certain information in retention election of judges concerning sentencing of persons convicted of felonies; relating to the rights of certain victims of sexual assault to obtain legal and equitable remedies for injuries arising from the conduct of a perpetrator; relating to the definition of "sexual assault" for the purpose of adoption and the termination of parental rights in certain proceedings; relating to remission of sentences for certain sexual felony offenders; relating to forms for sexual assault, stalking, and domestic violence protective orders; relating to the subpoena power of the attorney general in cases involving the use of an Internet service account; relating to reasonable efforts in child-in-need-of-aid cases involving sexual abuse or sex offender registration; relating to mandatory reporting by athletic coaches of child abuse or neglect; making conforming amendments; amending Rules 16, 32.1(b)(1), and 32.2(a), Alaska Rules of Criminal Procedure, and Rules 404(a) and (b), Alaska Rules of Evidence; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**AN ACT**

1 Relating to the commencement of actions for felony sex trafficking and felony human  
2 trafficking; relating to the crime of sexual assault; relating to the crime of unlawful contact;  
3 relating to forfeiture for certain crimes involving prostitution; relating to the time in which to  
4 commence certain prosecutions; relating to release in a prosecution for stalking or a crime  
5 involving domestic violence or for violation of a condition of release in connection with a  
6 crime involving domestic violence; relating to interception of private communications for  
7 certain sex trafficking or human trafficking offenses; relating to use of evidence of sexual  
8 conduct concerning victims of certain crimes; relating to consideration at sentencing of the  
9 effect of a crime on the victim; relating to the time to make an application for credit for time  
10 served in a treatment program or while in other custody; relating to suspending imposition of  
11 sentence for sex trafficking; relating to consecutive sentences for convictions of certain

1 crimes involving child pornography or indecent materials to minors; relating to the referral of  
2 sexual felonies to a three-judge panel; relating to the definition of "sexual felony" for  
3 sentencing and probation for conviction of certain crimes; relating to the definition of "sex  
4 offense" regarding sex offender registration; relating to the definition of "victim counseling  
5 centers" for disclosure of certain communications concerning sexual assault or domestic  
6 violence; relating to violent crimes compensation; relating to certain information in retention  
7 election of judges concerning sentencing of persons convicted of felonies; relating to the  
8 rights of certain victims of sexual assault to obtain legal and equitable remedies for injuries  
9 arising from the conduct of a perpetrator; relating to the definition of "sexual assault" for the  
10 purpose of adoption and the termination of parental rights in certain proceedings; relating to  
11 remission of sentences for certain sexual felony offenders; relating to forms for sexual assault,  
12 stalking, and domestic violence protective orders; relating to the subpoena power of the  
13 attorney general in cases involving the use of an Internet service account; relating to  
14 reasonable efforts in child-in-need-of-aid cases involving sexual abuse or sex offender  
15 registration; relating to mandatory reporting by athletic coaches of child abuse or neglect;  
16 making conforming amendments; amending Rules 16, 32.1(b)(1), and 32.2(a), Alaska Rules  
17 of Criminal Procedure, and Rules 404(a) and (b), Alaska Rules of Evidence; and providing for  
18 an effective date.

19

20 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
21 to read:

22 LEGISLATIVE FINDINGS AND INTENT FOR SECS. 22 AND 23 OF THIS ACT.

23 (a) The legislature reaffirms the findings made by the Senate letter of intent for ch. 14, SLA  
24 2006, as published in the 2006 Senate Journal dated February 16, 2006, on pages 2207 - 2214.

25 (b) The legislature finds that

1 (1) in 2006, the legislature did not intend, by enacting ch. 14, SLA 2006, and  
2 the legislature does not now intend to create new or additional means for a defendant  
3 convicted of a sexual felony and sentenced under AS 12.55.125(i) to obtain referral to a three-  
4 judge panel;

5 (2) the legislature did not, in 2006, intend nor does the legislature now intend  
6 for a court to create new or additional means for a defendant convicted of a sexual felony and  
7 sentenced under AS 12.55.125(i) to obtain referral to a three-judge panel.

8 (c) It is the intent of the legislature in AS 12.55.165, as amended by sec. 22 of this  
9 Act, and AS 12.55.175, as amended by sec. 23 of this Act, to overturn the majority decision in  
10 Collins v. State, 287 P.3d 791 (Alaska App. 2012), and to endorse the dissenting opinion in  
11 the same case.

12 \* Sec. 2. AS 09.10.065(a) is amended to read:

13 (a) A person may bring an action at any time for conduct that would have, at  
14 the time the conduct occurred, violated provisions of any of the following offenses:

- 15 (1) felony sexual abuse of a minor;  
16 (2) felony sexual assault; [OR]  
17 (3) unlawful exploitation of a minor;  
18 **(4) felony sex trafficking; or**  
19 **(5) felony human trafficking.**

20 \* Sec. 3. AS 11.41.425(a) is amended to read:

21 (a) An offender commits the crime of sexual assault in the third degree if the  
22 offender

- 23 (1) engages in sexual contact with a person who the offender knows is  
24 (A) mentally incapable;  
25 (B) incapacitated; or  
26 (C) unaware that a sexual act is being committed;  
27 (2) while employed in a state correctional facility or other placement  
28 designated by the commissioner of corrections for the custody and care of prisoners,  
29 engages in sexual penetration with a person who the offender knows is committed to  
30 the custody of the Department of Corrections to serve a term of imprisonment or  
31 period of temporary commitment;



1 (3) engages in sexual penetration with a person 18 or 19 years of age  
2 who the offender knows is committed to the custody of the Department of Health and  
3 Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of  
4 the person; [OR]

5 (4) while employed in the state by a law enforcement agency as a  
6 peace officer, or while acting as a peace officer in the state, engages in sexual  
7 penetration with a person with reckless disregard that the person is in the custody or  
8 the apparent custody of the offender, or is committed to the custody of a law  
9 enforcement agency;

10 **(5) while employed by the state or a municipality of the state as a**  
11 **probation officer or parole officer, or while acting as a probation officer or**  
12 **parole officer in the state, engages in sexual penetration with a person with**  
13 **reckless disregard that the person is on probation or parole; or**

14 **(6) while employed as a juvenile probation officer or as a juvenile**  
15 **facility staff, engages in sexual penetration with a person 18 or 19 years of age**  
16 **with reckless disregard that the person is committed to the custody or**  
17 **probationary supervision of the Department of Health and Social Services.**

18 \* Sec. 4. AS 11.41.425(b) is repealed and reenacted to read:

19 (b) In this section,

20 (1) "juvenile facility staff" means a person employed in a juvenile  
21 detention or treatment facility;

22 (2) "juvenile probation officer" means a person assigned to supervise  
23 another person 18 or 19 years of age who is committed to the probationary supervision  
24 of the Department of Health and Social Services;

25 (3) "parole officer" has the meaning given in AS 18.65.290;

26 (4) "peace officer" has the meaning given in AS 01.10.060;

27 (5) "probation officer" includes a

28 (A) probation officer as defined in AS 18.65.290; or

29 (B) person who supervises a participant in a specialty court,  
30 including a therapeutic or wellness court addressing alcohol or drug use, a  
31 court addressing the needs of veterans, an adult or juvenile mental health court,

1 a fetal alcohol spectrum disorder court, or a family care or preservation court.

2 \* Sec. 5. AS 11.41.427(a) is amended to read:

3 (a) An offender commits the crime of sexual assault in the fourth degree if

4 (1) while employed in a state correctional facility or other placement  
5 designated by the commissioner of corrections for the custody and care of prisoners,  
6 the offender engages in sexual contact with a person who the offender knows is  
7 committed to the custody of the Department of Corrections to serve a term of  
8 imprisonment or period of temporary commitment;

9 (2) the offender engages in sexual contact with a person 18 or 19 years  
10 of age who the offender knows is committed to the custody of the Department of  
11 Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal  
12 guardian of the person; [OR]

13 (3) while employed in the state by a law enforcement agency as a  
14 peace officer, or while acting as a peace officer in the state, the offender engages in  
15 sexual contact with a person with reckless disregard that the person is in the custody or  
16 the apparent custody of the offender, or is committed to the custody of a law  
17 enforcement agency;

18 **(4) while employed by the state or a municipality of the state as a**  
19 **probation officer or parole officer, or while acting as a probation officer or**  
20 **parole officer in the state, the offender engages in sexual contact with a person**  
21 **with reckless disregard that the person is on probation or parole; or**

22 **(5) while employed as a juvenile probation officer or as a juvenile**  
23 **facility staff, the offender engages in sexual contact with a person 18 or 19 years**  
24 **of age with reckless disregard that the person is committed to the custody or**  
25 **probationary supervision of the Department of Health and Social Services.**

26 \* Sec. 6. AS 11.41.427(b) is repealed and reenacted to read:

27 (b) In this section,

28 (1) "juvenile facility staff" has the meaning given in AS 11.41.425;

29 (2) "juvenile probation officer" has the meaning given in  
30 AS 11.41.425;

31 (3) "parole officer" has the meaning given in AS 18.65.290;

- 1 (4) "peace officer" has the meaning given in AS 01.10.060;
- 2 (5) "probation officer" has the meaning given in AS 11.41.425.

3 \* Sec. 7. AS 11.41.432(a) is amended to read:

- 4 (a) It is a defense to a crime charged under AS 11.41.410(a)(3),
- 5 11.41.420(a)(2), 11.41.420(a)(3), [OR] 11.41.425, or 11.41.427 that the offender is
- 6 (1) mentally incapable; or
- 7 (2) married to the person and neither party has filed with the court for a
- 8 separation, divorce, or dissolution of the marriage.

9 \* Sec. 8. AS 11.41.432 is amended by adding a new subsection to read:

- 10 (c) It is an affirmative defense to a crime charged under AS 11.41.425(a)(5) or
- 11 11.41.427(a)(4) that the offender and the person on probation or parole had, before the
- 12 person was placed on probation or parole, a dating relationship or a sexual
- 13 relationship, and the relationship continued until the date of the alleged offense.

14 \* Sec. 9. AS 11.56.750(a) is amended to read:

- 15 (a) A person commits the crime of unlawful contact in the first degree if the
- 16 person
- 17 (1) has been ordered
- 18 (A) by the court not to contact a victim or witness of the
- 19 offense
- 20 (i) as [(A)] part of a sentence imposed under
- 21 AS 12.55.015;
- 22 (ii) as [OR (B)] a condition of [(i)] release under
- 23 AS 12.30 or [; (ii)] probation under AS 12.55.101; or
- 24 (iii) while under official detention; or
- 25 (B) as a condition of parole not to contact a victim or
- 26 witness of the offense under AS 33.16.150 [PAROLE UNDER
- 27 AS 33.16.150]; and
- 28 (2) either directly or indirectly, knowingly contacts or attempts to
- 29 contact the victim or witness in violation of the order.

30 \* Sec. 10. AS 11.66.145 is amended to read:

31 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or

1 received or derived from, a violation of AS 11.66.100(c) or 11.66.110 - 11.66.135  
2 may [SHALL] be forfeited at sentencing.

3 \* Sec. 11. AS 12.10.010 is amended to read:

4 **Sec. 12.10.010. General time limitations.** (a) Prosecution for the following  
5 offenses may be commenced at any time:

6 (1) murder;

7 (2) attempt, solicitation, or conspiracy to commit murder or hindering  
8 the prosecution of murder;

9 (3) felony sexual abuse of a minor;

10 (4) sexual assault that is an unclassified, class A, or class B felony or a  
11 violation of AS 11.41.425(a)(2) - (4);

12 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,  
13 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person  
14 who, at the time of the offense, was under 18 years of age;

15 (6) kidnapping;

16 **(7) distribution of child pornography in violation of AS 11.61.125;**

17 **(8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an**  
18 **unclassified, class A, or class B felony or that is committed against a person who,**  
19 **at the time of the offense, was under 20 years of age;**

20 **(9) human trafficking in violation of AS 11.41.360 or 11.41.365.**

21 (b) Except as otherwise provided by law or in (a) of this section, a person may  
22 not be prosecuted, tried, or punished for an offense unless the indictment is found or  
23 the information or complaint is instituted not later than

24 (1) 10 years after the commission of a felony offense in violation of  
25 **AS 11.41.120 - 11.41.330** [AS 11.41.120 - 11.41.370], 11.41.425(a)(1),  
26 **11.41.425(a)(5), 11.41.425(a)(6),** or 11.41.450 - 11.41.458; or

27 (2) five years after the commission of any other offense.

28 \* Sec. 12. AS 12.30.016(e) is amended to read:

29 (e) In a prosecution charging the crime of stalking that is not a crime involving  
30 domestic violence, a judicial officer may order the person to

31 (1) follow the provisions of any protective order to which the person is

1 respondent;

2 (2) refrain from contacting, in any manner, including by telephone or  
3 electronic communication, the victim;

4 (3) engage in counseling; if available in the community, the judicial  
5 officer shall require that counseling ordered include counseling about alternatives to  
6 aggressive behavior;

7 **(4) participate in a monitoring program with a global positioning**  
8 **device or similar technological means that meets guidelines for a monitoring**  
9 **program adopted by the Department of Corrections in consultation with the**  
10 **Department of Public Safety.**

11 \* Sec. 13. AS 12.30.027(a) is amended to read:

12 (a) Before ordering release before or after trial, or pending appeal, of a person  
13 charged with or convicted of a crime involving domestic violence, the judicial officer  
14 shall consider the safety of the victim or other household member. To protect the  
15 victim, household member, other persons, and the community and to reasonably  
16 **ensure** [ASSURE] the person's appearance, the judicial officer

17 **(1)** shall impose conditions required under AS 12.30.011;

18 **(2)** [, AND] may impose any of the conditions authorized under  
19 AS 12.30.011;

20 **(3) may impose** [,] any of the provisions of AS 18.66.100(c)(1) - (7)  
21 and (11);

22 **(4) may order the person to participate in a monitoring program**  
23 **with a global positioning device or similar technological means that meets**  
24 **guidelines for a monitoring program adopted by the Department of Corrections**  
25 **in consultation with the Department of Public Safety;** [,] and

26 **(5) may impose** any other condition necessary to protect the victim,  
27 household member, other persons, and the community, and to ensure the appearance  
28 of the person in court, including ordering the person to refrain from the consumption  
29 of alcohol.

30 \* Sec. 14. AS 12.30.027(e) is amended to read:

31 (e) A person arrested for a crime involving domestic violence **or for violation**

1           of a condition of release in connection with a crime involving domestic violence  
2           may not be released from custody until the person has appeared in person before a  
3           judicial officer or telephonically for arraignment.

4           \* **Sec. 15.** AS 12.37.010 is amended to read:

5                       **Sec. 12.37.010. Authorization to intercept communications.** The attorney  
6           general, or a person designated in writing or by law to act for the attorney general,  
7           may authorize, in writing, an ex parte application to a court of competent jurisdiction  
8           for an order authorizing the interception of a private communication if the interception  
9           may provide evidence of, or may assist in the apprehension of persons who have  
10          committed, are committing, or are planning to commit, the following offenses:

11                       (1) murder in the first or second degree under AS 11.41.100 -  
12                       11.41.110;

13                       (2) kidnapping under AS 11.41.300; [OR]

14                       (3) a class A or unclassified felony drug offense under AS 11.71;

15                       **(4) sex trafficking in the first or second degree under AS 11.66.110**  
16                       **and 11.66.120; or**

17                       **(5) human trafficking in the first degree under AS 11.41.360.**

18          \* **Sec. 16.** AS 12.45.045(a) is amended to read:

19                       (a) In prosecutions for the crimes of sexual assault in any degree, sexual abuse  
20           of a minor in any degree, [OR] unlawful exploitation of a minor, or an attempt to  
21           commit any of these crimes, evidence of the [COMPLAINING WITNESS'  
22           PREVIOUS] sexual conduct **of the complaining witness, occurring either before or**  
23           **after the offense charged,** may not be admitted nor may reference be made to it in the  
24           presence of the jury except as provided in this section. When the defendant seeks to  
25           admit the evidence for any purpose, the defendant shall apply for an order of the court  
26           **not later than five days** [AT ANY TIME] before [OR DURING THE] trial **or at a**  
27           **later time as the court may, for good cause, permit. The defendant may, for good**  
28           **cause shown, apply for an order during trial if the request is based on**  
29           **information learned after the deadline or during the trial** [OR PRELIMINARY  
30           HEARING]. After the application is made, the court shall conduct a hearing in camera  
31           to determine the admissibility of the evidence. If the court finds that evidence offered

1 by the defendant regarding the sexual conduct of the complaining witness is relevant,  
2 and that the probative value of the evidence offered is not outweighed by the  
3 probability that its admission will create undue prejudice, confusion of the issues, or  
4 unwarranted invasion of the privacy of the complaining witness, the court shall make  
5 an order stating what evidence may be introduced and the nature of the questions that  
6 may be permitted. The defendant may then offer evidence under the order of the court.

7 \* **Sec. 17.** AS 12.55.023(a) is amended to read:

8 (a) If a victim requests, the prosecuting attorney shall provide the victim,  
9 before the sentencing hearing, with a copy of the following portions of the presentence  
10 report:

11 (1) the summary of the offense prepared by the Department of  
12 Corrections;

13 (2) the defendant's version of the offense;

14 (3) all statements and summaries of statements of the victim; [AND]

15 (4) the sentence recommendation of the Department of Corrections;

16 **and**

17 **(5) letters of support submitted to the court for consideration.**

18 \* **Sec. 18.** AS 12.55.025 is amended by adding new subsections to read:

19 (k) If a defendant intends to claim credit under AS 12.55.027 toward a  
20 sentence of imprisonment for time spent in a treatment program as a condition of bail  
21 in connection with an offense for which the defendant is being sentenced, the  
22 defendant shall file notice with the court and the prosecutor 10 days before the  
23 sentencing hearing. The notice shall include the number of days the defendant is  
24 claiming. The defendant must prove by a preponderance of evidence that the  
25 requirements of AS 12.55.027 are met before credit may be awarded. Except as  
26 provided in (l) of this section, except for good cause, a court may not consider a  
27 request for credit made under this subsection more than 90 days after the sentencing  
28 hearing.

29 (l) If a defendant intends to claim credit under AS 12.55.027 toward a  
30 sentence of imprisonment for time spent in a treatment program as a condition of bail  
31 while pending appeal, the defendant shall file notice with the court and the prosecutor

1 not later than 90 days after return of the case to the trial court following appeal. The  
2 notice shall include the number of days the defendant is claiming. The defendant must  
3 prove by a preponderance of evidence that the requirements of AS 12.55.027 are met  
4 before credit may be awarded. Except for good cause, the court may not consider a  
5 request for credit made under this subsection after the deadline.

6 \* **Sec. 19.** AS 12.55.027 is amended by adding a new subsection to read:

7 (e) If a defendant intends to claim credit toward a sentence of imprisonment  
8 for time spent in a treatment program either as a condition of probation or as a  
9 condition of bail release after a petition to revoke probation has been filed, the  
10 defendant shall file notice with the court and the prosecutor 10 days before the  
11 disposition hearing. The notice shall include the amount of time the defendant is  
12 claiming. The defendant must prove by a preponderance of the evidence that the credit  
13 claimed meets the requirements of this section. A court may not consider, except for  
14 good cause, a request for credit made under this subsection more than 90 days after the  
15 disposition hearing.

16 \* **Sec. 20.** AS 12.55.085(f) is amended to read:

17 (f) The court may not suspend the imposition of sentence of a person who  
18 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
19 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, [OR]  
20 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;  
21 (2) uses a firearm in the commission of the offense for which the  
22 person is convicted; or  
23 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony  
24 and the person has one or more prior convictions for a misdemeanor violation of  
25 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction  
26 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
27 felony in this state; for the purposes of this paragraph, a person shall be considered to  
28 have a prior conviction even if that conviction has been set aside under (e) of this  
29 section or under the equivalent provision of the laws of another jurisdiction.

30 \* **Sec. 21.** AS 12.55.127 is amended by adding a new subsection to read:

31 (e) If the defendant is being sentenced for two or more crimes of distribution



1 of child pornography under AS 11.61.125, possession of child pornography under  
2 AS 11.61.127, or distribution of indecent material to minors under AS 11.61.128, a  
3 consecutive term of imprisonment shall be imposed for some additional term of  
4 imprisonment for each additional crime or each additional attempt or solicitation to  
5 commit the offense.

6 \* Sec. 22. AS 12.55.165 is amended by adding a new subsection to read:

7 (c) A court may not refer a case to a three-judge panel under (a) of this section  
8 if the defendant is being sentenced for a sexual felony under AS 12.55.125(i) and the  
9 request for the referral is based solely on the claim that the defendant, either singly or  
10 in combination, has

- 11 (1) prospects for rehabilitation that are less than extraordinary; or  
12 (2) a history free of unprosecuted, undocumented, or undetected sexual  
13 offenses.

14 \* Sec. 23. AS 12.55.175 is amended by adding a new subsection to read:

15 (f) A defendant being sentenced for a sexual felony under AS 12.55.125(i)  
16 may not establish, nor may the three-judge panel find under (b) of this section or any  
17 other provision of law, that manifest injustice would result from imposition of a  
18 sentence within the presumptive range based solely on the claim that the defendant,  
19 either singly or in combination, has

- 20 (1) prospects for rehabilitation that are less than extraordinary; or  
21 (2) a history free of unprosecuted, undocumented, or undetected sexual  
22 offenses.

23 \* Sec. 24. AS 12.55.185(16) is amended to read:

24 (16) "sexual felony" means sexual assault in the first degree, sexual  
25 abuse of a minor in the first degree, **sex trafficking in the first degree**, sexual assault  
26 in the second degree, sexual abuse of a minor in the second degree, unlawful  
27 exploitation of a minor, distribution of child pornography, sexual assault in the third  
28 degree, incest, indecent exposure in the first degree, possession of child pornography,  
29 **online enticement of a minor**, and felony attempt, conspiracy, or solicitation to  
30 commit those crimes;

31 \* Sec. 25. AS 12.63.100(6) is amended to read:

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(6) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or
- (iv) sexual abuse of a minor in the second degree; or

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

- (i) AS 11.41.410 - 11.41.438;
- (ii) AS 11.41.440(a)(2);
- (iii) AS 11.41.450 - 11.41.458;
- (iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense;
- (v) AS 11.61.125 - 11.61.128;
- (vi) AS 11.66.110 or 11.66.130(a)(2) if the person who was induced or caused to engage in prostitution was under 20 [16 OR 17] years of age at the time of the offense;
- (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200; [OR]
- (viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense; or
- (ix) AS 11.66.100(a)(2) if the offender is subject to

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**punishment under AS 11.66.100(c);**

\* Sec. 26. AS 18.65.865(b) is amended to read:

(b) The Alaska Court System shall prepare forms for petitions and protective orders and instructions for their use by a person seeking a protective order under AS 18.65.850 - 18.65.860. The forms must conform to the Alaska Rules of Civil Procedure, except that information on the forms may be filled in by legible handwriting. Filing fees may not be charged in any action seeking only the relief provided in AS 18.65.850 - 18.65.870. Each protective order form must contain the following warning in boldface type: "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and a fine of up to **\$10,000** [\$5,000]."

\* Sec. 27. AS 18.66.130(d) is amended to read:

(d) In addition to other required information contained in a protective order, the order must include in bold face type the following statements:

(1) "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and up to a **\$10,000** [\$5,000] fine";

(2) "If you are ordered to have no contact with the petitioner or to stay away from the petitioner's residence, vehicle, or other place designated by the court, an invitation by the petitioner to have the prohibited contact or to be present at or enter the residence, vehicle, or other place does not in any way invalidate or nullify the order."

\* Sec. 28. AS 18.66.250(5) is amended to read:

(5) "victim counseling center" means a private organization, **an organization operated by or contracted by a branch of the armed forces of the United States,** or a local government agency that

(A) has, as one of its primary purposes, the provision of direct services to victims for trauma resulting from a sexual assault or domestic violence;

(B) is not affiliated with a law enforcement agency or a prosecutor's office; and

(C) is not on contract with the state to provide services under AS 47;

1 \* **Sec. 29.** AS 18.67.101 is amended to read:

2           **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The  
3 board may order the payment of compensation in accordance with the provisions of  
4 this chapter for personal injury or death that resulted from

5                   (1) an attempt on the part of the applicant to prevent the commission of  
6 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police  
7 officer to do so, or aiding a victim of crime; or

8                   (2) the commission or attempt on the part of one other than the  
9 applicant to commit any of the following offenses:

10                               (A) murder in any degree;

11                               (B) manslaughter;

12                               (C) criminally negligent homicide;

13                               (D) assault in any degree;

14                               (E) kidnapping;

15                               (F) sexual assault in any degree;

16                               (G) sexual abuse of a minor;

17                               (H) robbery in any degree;

18                               (I) threats to do bodily harm;

19                               (J) driving while under the influence of an alcoholic beverage,  
20 inhalant, or controlled substance or another crime resulting from the operation  
21 of a motor vehicle, boat, or airplane when the offender is under the influence  
22 of an alcoholic beverage, inhalant, or controlled substance; [OR]

23                               (K) arson in the first degree;

24                               (L) sex trafficking in violation of AS 11.66.110 or  
25 11.66.130(a)(2);

26                               (M) human trafficking in any degree; or

27                               (N) unlawful exploitation of a minor.

28 \* **Sec. 30.** AS 22.10.150 is amended to read:

29           **Sec. 22.10.150. Approval or rejection.** Each superior court judge is subject to  
30 approval or rejection as provided in AS 15 (Alaska Election Code). The judicial  
31 council shall conduct an evaluation of each judge before the retention election and

1 shall provide to the public information about the judge and may provide a  
2 recommendation regarding retention or rejection. The information and any  
3 recommendation shall be made public at least 60 days before the retention election.  
4 **The information shall include the judge's consideration of victims when imposing**  
5 **sentence on persons convicted of felony offenses where the offenses involve**  
6 **victims.** The judicial council shall also provide the information and any  
7 recommendation to the office of the lieutenant governor in time for publication in the  
8 election pamphlet under AS 15.58.050. If a majority of those voting on the question  
9 rejects the candidacy of a judge, the rejected judge may not for a period of four years  
10 thereafter be appointed to fill any vacancy in the supreme court, court of appeals,  
11 superior court, or district courts of the state.

12 \* Sec. 31. AS 25.23.180(i) is amended to read:

13 (i) Proceedings for the termination of parental rights on the grounds set out in  
14 (c)(3) of this section do not affect the rights of a victim of **sexual assault**, sexual abuse  
15 of a minor, or incest to obtain legal and equitable civil remedies for all injuries and  
16 damages arising out of the perpetrator's conduct.

17 \* Sec. 32. AS 25.23.240(10) is amended to read:

18 (10) "sexual assault" means a sexual offense defined in **AS 11.41.410 -**  
19 **11.41.427** [AS 11.41.410 OR 11.41.420];

20 \* Sec. 33. AS 33.20.010(a) is amended to read:

21 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner  
22 convicted of an offense against the state or a political subdivision of the state and  
23 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction  
24 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner  
25 follows the rules of the correctional facility in which the prisoner is confined. A  
26 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

27 (1) to a mandatory 99-year term of imprisonment under  
28 AS 12.55.125(a) after June 27, 1996;

29 (2) to a definite term under AS 12.55.125(l); or

30 (3) for a sexual felony under AS 12.55.125(i)

31 **(A)** and has one or more prior sexual felony convictions as

1                   determined under AS 12.55.145(a)(4); or  
2   **(B) that is an unclassified or a class A felony.**  
3   \* **Sec. 34.** AS 44.23.080(a) is amended to read:  
4                   (a) If there is reasonable cause to believe that an Internet service account has  
5                   been used in connection with a violation of AS 11.41.452, 11.41.455, or AS 11.61.125  
6                   - 11.61.128, and that the identity, address, and other information about the account  
7                   owner will assist in obtaining evidence that is relevant to the offense, a law  
8                   enforcement officer may apply to the attorney general or the attorney general's  
9                   designee for an administrative subpoena to obtain the business records of the Internet  
10                  service provider located inside or outside of the state.  
11   \* **Sec. 35.** AS 44.23.080(b) is amended to read:  
12                  (b) If an application meets the requirements of (a) of this section, the attorney  
13                  general or the attorney general's designee may issue an administrative subpoena to  
14                  the Internet service provider requiring the production of the following records:  
15                               (1) the name and other identifying information of the account holder;  
16                               (2) the address and physical location associated with the account;  
17                               (3) a description of the length of service, service start date, and types  
18                  of service associated with the account.  
19   \* **Sec. 36.** AS 44.23.080(e) is amended to read:  
20                  (e) If the Internet service provider refuses to obey a subpoena issued under (b)  
21                  of this section, the superior court may, upon application of the attorney general or the  
22                  attorney general's designee, issue an order requiring the Internet service provider to  
23                  appear at the office of the attorney general with the information described in the  
24                  subpoena.  
25   \* **Sec. 37.** AS 44.23.080 is amended by adding a new subsection to read:  
26                  (i) For purposes of this section, the attorney general's designee may be the  
27                  deputy attorney general of the division of the Department of Law that has  
28                  responsibility for civil cases or the division of the Department of Law that has  
29                  responsibility for criminal cases.  
30   \* **Sec. 38.** AS 47.10.086(c) is amended to read:  
31                  (c) The court may determine that reasonable efforts of the type described in

- 1 (a) of this section are not required if the court has found by clear and convincing  
2 evidence that
- 3 (1) the parent or guardian has subjected the child to circumstances that  
4 pose a substantial risk to the child's health or safety; these circumstances include  
5 abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;
- 6 (2) the parent or guardian has
- 7 (A) committed homicide under AS 11.41.100 - 11.41.130 of a  
8 parent of the child or of a child;
- 9 (B) aided or abetted, attempted, conspired, or solicited under  
10 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this  
11 paragraph;
- 12 (C) committed an assault that is a felony under AS 11.41.200 -  
13 11.41.220 and results in serious physical injury to a child; or
- 14 (D) committed the conduct described in (A) - (C) of this  
15 paragraph that violated a law or ordinance of another jurisdiction having  
16 elements similar to an offense described in (A) - (C) of this paragraph;
- 17 (3) the parent or guardian has, during the 12 months preceding the  
18 permanency hearing, failed to comply with a court order to participate in family  
19 support services;
- 20 (4) the department has conducted a reasonably diligent search over a  
21 time period of at least three months for an unidentified or absent parent and has failed  
22 to identify and locate the parent;
- 23 (5) the parent or guardian is the sole caregiver of the child and the  
24 parent or guardian has a mental illness or mental deficiency of such nature and  
25 duration that, according to the statement of a psychologist or physician, the parent or  
26 guardian will be incapable of caring for the child without placing the child at  
27 substantial risk of physical or mental injury even if the department were to provide  
28 family support services to the parent or guardian for 12 months;
- 29 (6) the parent or guardian has previously been convicted of a crime  
30 involving a child in this state or in another jurisdiction and, after the conviction, the  
31 child was returned to the custody of the parent or guardian and later removed because

1 of an additional substantiated report of physical or sexual abuse by the parent or  
2 guardian;

3 (7) a child has suffered substantial physical harm as the result of  
4 abusive or neglectful conduct by the parent or guardian or by a person known by the  
5 parent or guardian and the parent or guardian knew or reasonably should have known  
6 that the person was abusing the child;

7 (8) the parental rights of the parent have been terminated with respect  
8 to another child because of child abuse or neglect, the parent has not remedied the  
9 conditions or conduct that led to the termination of parental rights, and the parent has  
10 demonstrated an inability to protect the child from substantial harm or the risk of  
11 substantial harm;

12 (9) the child has been removed from the child's home on at least two  
13 previous occasions, family support services were offered or provided to the parent or  
14 guardian at those times, and the parent or guardian has demonstrated an inability to  
15 protect the child from substantial harm or the risk of substantial harm; [OR]

16 (10) the parent or guardian is incarcerated and is unavailable to care  
17 for the child during a significant period of the child's minority, considering the child's  
18 age and need for care by an adult; or

19 **(11) the parent or guardian**

20 **(A) has sexually abused the child or another child of the**  
21 **parent or guardian; or**

22 **(B) is registered or required to register as a sex offender or**  
23 **child kidnapper under AS 12.63.**

24 \* **Sec. 39.** AS 47.17.020(a) is amended to read:

25 (a) The following persons who, in the performance of their occupational  
26 duties, or with respect to (8) of this subsection, in the performance of their appointed  
27 duties, have reasonable cause to suspect that a child has suffered harm as a result of  
28 child abuse or neglect shall immediately report the harm to the nearest office of the  
29 department:

- 30 (1) practitioners of the healing arts;  
31 (2) school teachers and school administrative staff members, **including**



- 1           **athletic coaches**, of public and private schools;  
2                           (3) peace officers and officers of the Department of Corrections;  
3                           (4) administrative officers of institutions;  
4                           (5) child care providers;  
5                           (6) paid employees of domestic violence and sexual assault programs,  
6           and crisis intervention and prevention programs as defined in AS 18.66.990;  
7                           (7) paid employees of an organization that provides counseling or  
8           treatment to individuals seeking to control their use of drugs or alcohol;  
9                           (8) members of a child fatality review team established under  
10           AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created  
11           under AS 47.14.300.

12   \* **Sec. 40.** AS 47.17.290 is amended by adding a new paragraph to read:

- 13                           (17) "athletic coach" includes a paid leader or assistant of a sports  
14           team.

15   \* **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to  
16   read:

17                           **DIRECT COURT RULE AMENDMENT.** Rule 16(b), Alaska Rules of  
18           Criminal Procedure, is amended by adding a new paragraph to read:

- 19                           (9) **Restriction on Availability of Certain Material.** Notwithstanding  
20           (b)(1)(A)(iv) of this rule, the court shall deny any request by the defendant to copy,  
21           photograph, duplicate, or otherwise reproduce any material prohibited under  
22           AS 11.41.455(a) or defined as "child pornography" under 18 U.S.C. 2256, if the  
23           prosecuting attorney makes the material reasonably available for inspection by the  
24           defendant and defense counsel. The material shall be considered to be made  
25           reasonably available to the defendant or defense counsel if the prosecuting attorney  
26           provides, at a law enforcement or prosecution facility, ample opportunity for  
27           inspection, viewing, and examination of the material by the defendant and the  
28           defendant's attorney. If the defendant is not represented by counsel and demonstrates a  
29           need to view the material, the court shall make arrangements for the defendant to be  
30           supervised while viewing the material. If the defendant or the defendant's attorney  
31           identifies an expert who must view the material, the court shall make arrangements for

1 the court or the law enforcement agency that possesses it to send the material directly  
2 to the expert.

3 \* Sec. 42. The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 DIRECT COURT RULE AMENDMENT. Rule 32.1(b)(1), Alaska Rules of  
6 Criminal Procedure, is amended to read:

7 (1) Contents and Filing. If the court directs the Department of  
8 Corrections to prepare a presentence report, the report shall be filed with the court and  
9 served on counsel at least 30 days before the sentencing hearing, or 30 days before the  
10 presentencing hearing, if one is scheduled. The report shall contain all of the  
11 defendant's prior criminal convictions and findings of delinquency and any other  
12 information about the defendant's characteristics, financial condition, and the  
13 circumstances affecting the defendant's behavior that may be helpful in fashioning the  
14 defendant's sentence, a victim impact statement, and any other information required by  
15 the judge. **If the crime involved a victim, the court may not accept a report that**  
16 **does not include a victim's impact statement, unless the report explains the**  
17 **reason why the victim or the victim's representative could not be interviewed.**

18 The presentence report shall comply with the Victims' Rights Act, AS 12.61.100 -  
19 12.61.150 and AS 12.55.022.

20 \* Sec. 43. The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22 DIRECT COURT RULE AMENDMENT. Rule 32.2(a), Alaska Rules of  
23 Criminal Procedure, is amended to read:

24 (a) **Consideration of Victim's Statement.** If a victim as defined in  
25 AS 12.55.185 prepares and submits a written statement, gives sworn testimony or  
26 makes an unsworn oral presentation under AS 12.55.023, the court shall take the  
27 content of the statement, testimony, or presentation into consideration when preparing  
28 those elements of the sentencing report required by AS 12.55.025 that relate to the  
29 effect of the offense on the victim, and when considering the need for restitution under  
30 AS 12.55.045. **The court shall also take the content of the victim's impact**  
31 **statement in the presentence report into consideration in preparing the**

1            sentencing report required under AS 12.55.025. The court also may take the content  
2 of the statement, testimony, victim's impact statement, or presentation into  
3 consideration for any other appropriate purpose.

4        \* **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6                                DIRECT COURT RULE AMENDMENT. Rule 404(b)(2), Alaska Rules of  
7 Evidence, is amended to read:

8                                (2) In a prosecution for a crime involving a physical or sexual assault  
9 or abuse of a minor, evidence of other acts by the defendant toward the same or  
10 another child is admissible if admission of the evidence is not precluded by another  
11 rule of evidence and if the prior offenses

12    (i) [OCCURRED WITHIN THE 10 YEARS  
13    PRECEDING THE DATE OF THE OFFENSE CHARGED;

14    (ii)] are similar to the offense charged; and

15    (ii) [(iii)] were committed upon persons similar to the  
16 prosecuting witness.

17        \* **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19                                INDIRECT COURT RULE AMENDMENT. AS 12.45.045(a), as amended by sec. 16  
20 of this Act, has the effect of amending Rule 404(a), Alaska Rules of Evidence, by providing,  
21 with some exceptions, that a defendant must request admission of certain evidence about the  
22 complaining witness five days before trial and by applying the rule to the conduct of the  
23 complaining witness after the alleged offense.

24        \* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to  
25 read:

26                                APPLICABILITY. (a) Sections 2 - 15, 20, 21, 25, and 33 of this Act apply to offenses  
27 committed on or after the effective date of this Act.

28                                (b) Sections 16, 22 - 24, 28, and 29 of this Act apply to offenses committed before,  
29 on, or after the effective date of this Act.

30                                (c) Section 18 of this Act applies to sentencing hearings occurring on or after the  
31 effective date of this Act.

1           (d) Section 19 of this Act applies to disposition hearings occurring in proceedings on  
2 petitions to revoke probation filed on or after the effective date of this Act.

3       \* **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5           **CONDITIONAL EFFECT.** Section 16 of this Act, amending AS 12.45.045(a), takes  
6 effect only if sec. 45 of this Act receives the two-thirds majority vote of each house required  
7 by art. IV, sec. 15, Constitution of the State of Alaska.

8       \* **Sec. 48.** This Act takes effect July 1, 2013.